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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

38° VICTORIÆ, 1875.

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THE FIFTH DAY OF FEBRUARY 1875,

TO

THE SEVENTEENTH DAY OF MARCH 1875.

First Volume of the Session.

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TABLE OF CONTENTS

TO

VOLUME CCXXII.

THIRD SERIES.

LORDS, FRIDAY, FEBRUARY 5.

Pa

MEETING OF THE PARLIAMENT.

The PARLIAMENT opened by Commission.

Her Majesty's Most Gracious Speech delivered by The LORD CHANCELLOR

ROLL OF THE LORDS—Garter King of Arms attending, *delivered* at the Table (in the usual manner) a List of the Lords Temporal in the Second Session of the Twenty-first Parliament of the United Kingdom

Select Vestries—

Bill, *pro formâ*, read 1^a.

Address to Her Majesty on Her Most Gracious Speech—

The QUEEN'S SPEECH having been *reported* by The LORD CHANCELLOR ;—

An Address to HER MAJESTY thereon *moved* by *The Earl of Donoughmore*

—(The Motion being *seconded* by *The Lord Rayleigh*) ..

After debate, Address *agreed to*, *nemine dissente*, and ordered to be presented to Her Majesty by the Lords with White Staves.

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL. LAND TITLES AND TRANSFER BILL—Observations, The Lord Chancellor ..

CHAIRMAN OF COMMITTEES—The LORD REDESDALE appointed, *nemine dissente*, to take the chair in all Committees of this House for this Session.

COMMITTEE FOR PRIVILEGES—*appointed*.

SUB-COMMITTEE FOR THE JOURNALS—*appointed*.

APPEAL COMMITTEE—*appointed*.

Justices of the Peace Qualification Bill [H.L.]—*Presented* (*The Earl of Albemarle*); read 1^a (No. 5)

COMMONS, FRIDAY, FEBRUARY 5.

WRITS ISSUED DURING THE RECESS
NEW MEMBERS SWORN

VOL. CCXXII. [THIRD SERIES.] [b]

TABLE OF CONTENTS.

	<i>Page</i>
[February 5.]	
CONTROVERTED ELECTIONS—Durham County (Northern Division)—Borough of Poole—Borough of Boston—Borough of Stroud—Judges' Reports read	37
NEW WRITS	37
PRIVILEGES— <i>Ordered</i> , That a Committee of Privileges be appointed.	
Outlawries Bill—	
Bill “for the more effectual preventing Clandestine Outlawries,” read the first time.	
Address to Her Majesty on Her Most Gracious Speech—	
The QUEEN'S SPEECH having been reported by Mr. SPEAKER;—An humble Address thereon moved by Mr. E. Stanhope (the Motion being seconded by Mr. Whitelaw)	37
After debate, Motion agreed to; and a Committee appointed to draw up the said Address:—List of the Committee	74
LORDS, MONDAY, FEBRUARY 8.	
Increase of the Episcopate Bill [H.L.]—Presented (The Lord Lyttelton); read 1 ^a (No. 8)	75
COMMONS, MONDAY, FEBRUARY 8.	
FACTORY SYSTEM (INDIA)—Question, Mr. Anderson; Answer, Lord George Hamilton	76
THE IRISH REPRODUCTIVE LOAN FUND—LOANS TO IRISH FISHERMEN—Question, Captain Nolan; Answer, Sir Michael Hicks-Beach	76
THE COLORADO BEETLE—Question, Mr. Herbert; Answer, Sir Michael Hicks-Beach	77
THE ADDRESS IN ANSWER TO THE QUEEN'S SPEECH—Report of the Address brought up, and read	78
After debate, Address agreed to:—To be presented by Privy Councillors.	
SUPPLY—Resolved, That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.	
WAYS AND MEANS—Resolved, That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Ways and Means for raising the Supply to be granted to Her Majesty.	
Artizans Dwellings Bill—	
Motion for Leave (Mr. Assheton Cross)	97
After debate, Motion agreed to:—Bill for facilitating the improvement of the Dwellings of the Working Classes in large towns, ordered (Mr. Secretary Cross, Mr. Sclater-Booth, Sir Henry Selwyn-Ibbetson); presented, and read the first time [Bill 1.]	
Friendly Societies Bill—	
Motion for Leave (The Chancellor of the Exchequer)	115
After short debate, Motion agreed to:—Bill to consolidate and amend the Law relating to Friendly and other Societies, ordered (Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith); presented, and read the first time [Bill 2.]	
Regimental Exchanges Bill—	
Motion for Leave (Mr. Gathorne Hardy)	122
After short debate, Motion agreed to:—Bill to amend the Law relating to Regimental Exchanges, ordered (Mr. Secretary Hardy, Mr. Stanley); presented, and read the first time [Bill 3.]	

TABLE OF CONTENTS.

	<i>Page</i>
[February 8.]	
Merchant Shipping Acts Amendment Bill—	
Acts read; <i>considered</i> in Committee	124
<i>Moved</i> , "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Merchant Shipping Acts,"—(<i>Sir Charles Adderley</i> .)	
After short debate, Motion <i>agreed to</i> :—Resolution <i>reported</i> :—Bill <i>ordered</i> (<i>Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 4.]	
EAST INDIA (COMPENSATION OF OFFICERS)—MOTION FOR A SELECT COMMITTEE—	
<i>Moved</i> , That a Select Committee be <i>appointed</i> , "to inquire into the measures adopted by the Government of India under the authority of a Despatch, No. 160, dated the 8th day of August 1866, and to report whether it is expedient to insist upon the deductions from the bonâ fide claims of Officers referred to in an humble Address from this House of the 28th day of June 1870,"—(<i>Lord George Hamilton</i>) ..	138
After short debate, Motion <i>agreed to</i> .	
And, on February 15, Committee <i>nominated</i> :—List of the Committee ..	140
Bankers Act Amendment Bill—	
Act <i>considered</i> in Committee	140
<i>Moved</i> , "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Bankers Act,"—(<i>Mr. Goschen</i> .)	
After short debate, Motion <i>agreed to</i> :—Resolution <i>reported</i> :—Bill <i>ordered</i> (<i>Mr. Goschen, Mr. Weguelin, Mr. Baring</i>); <i>presented</i> , and read the first time [Bill 10.]	
NEW WRITS ON VOID ELECTIONS—NOTICE—	
<i>Ordered</i> , That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judge has reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days' previous notice being given in the Votes, such notice to be appointed for consideration before the Orders of the Day and Notices of Motion, —(<i>Mr. Dyke</i> .)	
Hypothec (Scotland) Bill—Ordered (<i>Mr. Vans Agnew, Mr. Baillie Hamilton, Sir William Stirling Maxwell, Sir George Douglas</i>); <i>presented</i> , and read the first time [Bill 5] ..	142
Universities (Scotland) (Degrees to Women) Bill—Ordered (<i>Mr. Couper-Temple, Mr. Russell Gurney, Mr. Orr Ewing, Dr. Cameron</i>); <i>presented</i> , and read the first time [Bill 6]	142
Bankruptcy (Scotland) Law Amendment Bill—Ordered (<i>Mr. Fortescue Harrison, Mr. Anderson, Mr. William Holmes</i>); <i>presented</i> , and read the first time [Bill 7] ..	142
Bills of Sale Act Amendment Bill—Ordered (<i>Mr. Lopes, Mr. Gregory</i>); <i>presented</i> , and read the first time [Bill 8]	142
Ancient Monuments Bill—Ordered (<i>Sir John Lubbock, Mr. Russell Gurney, Mr. Beresford Hope, Mr. Osborne Morgan</i>); <i>presented</i> , and read the first time [Bill 9] ..	142
Burials Bill—Considered in Committee:—Resolution <i>agreed to</i> , and <i>reported</i> :—Bill <i>ordered</i> (<i>Mr. Osborne Morgan, Mr. Shaw Lefevre, Mr. M^r Arthur, Mr. Richard</i>); <i>presented</i> , and read the first time [Bill 11]	142
Game Laws Abolition Bill—Ordered (<i>Mr. P. A. Taylor, Mr. Burt, Mr. Dixon, Mr. M^rCombie</i>); <i>presented</i> , and read the first time [Bill 12]	142
High Court of Justiciary (Scotland) Bill—Ordered (<i>Mr. Charles Cameron, Mr. Macdonald, Mr. Mackintosh, Mr. William Holmes</i>); <i>presented</i> , and read the first time [Bill 13]	143
Sale of Intoxicating Liquors on Sunday (Ireland) Bill—Ordered (<i>Mr. Richard Smyth, The O'Connor Don, Viscount Crichton, Mr. Dease, Mr. James Corry, Mr. William Johnston, Mr. Dickson, Mr. Redmond</i>); <i>presented</i> , and read the first time [Bill 14] ..	143
Intoxicating Liquors (Sundays) Bill—Ordered (<i>Mr. Wilson, Mr. Birley, Mr. Osborne Morgan, Mr. M^r Arthur, Mr. David Jenkins</i>); <i>presented</i> , and read the first time [Bill 15] ..	143

TABLE OF CONTENTS.

[February 8.]	Page
Elementary Education (Compulsory Attendance) Bill —Ordered (<i>Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan</i>); presented, and read the first time [Bill 16]	143
Agricultural Labourers' Dwellings (Ireland) Bill —Ordered (<i>Mr. Bruen, Viscount Crichton, Mr. Kavanagh</i>); presented, and read the first time [Bill 17]	143
Wild Animals (Scotland) Bill — <i>Mr. James Barclay, Mr. Trevelyan, Mr. Fordyce</i> ; presented, and read the first time [Bill 18]	143
Permissive Prohibitory Liquor Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnston</i>); presented, and read the first time [Bill 19]	143
Household Franchise (Counties) Bill —Ordered (<i>Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, Mr. Lambert, Mr. Blennerhassett</i>); presented, and read the first time [Bill 20]	144
Sheriff Courts (Scotland) Bill —Ordered (<i>Mr. Anderson, Colonel Mure, Mr. M'Lagan</i>); presented, and read the first time [Bill 21]	144
Public Worship Facilities Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Mr. Salt, Mr. Cawley, Mr. Couper-Temple, Mr. Norwood, Sir Henry Wolff</i>); presented, and read the first time [Bill 22]	144
Municipal Corporations (Ireland) Bill —Ordered (<i>Mr. Ronayne, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 41]	144
Glebe Lands (Ireland) Bill —Ordered (<i>Mr. Mulholland, Mr. Bruen, Viscount Crichton</i>); presented, and read the first time [Bill 23]	144
Contagious Diseases Acts Repeal Bill —Ordered (<i>Sir Harcourt Johnstone, Mr. Stansfeld</i>); presented, and read the first time [Bill 24]	144
Women's Disabilities Removal Bill —Ordered (<i>Mr. Forsyth, Sir Robert Anstruther, Mr. Russell Gurney</i>); presented, and read the first time [Bill 25]	144
Church Rates Abolition (Scotland) Bill —Ordered (<i>Mr. M'Laren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Griete, Mr. Laing, Sir George Balfour</i>); presented, and read the first time [Bill 26]	145
County Boards (Ireland) (No. 2) Bill —Ordered (<i>Mr. O'Shaughnessy, Mr. Butt</i>); presented, and read the first time [Bill 27]	145
Borough Franchise (Ireland) Bill —Ordered (<i>Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 28]	145
Representation of the People Acts Amendment Bill —Ordered (<i>Sir Henry Wolff, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder</i>); presented, and read the first time [Bill 29]	145
Bank Holidays Act (1871) Extension and Amendment Bill —Ordered (<i>Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loughlen</i>); presented, and read the first time [Bill 30]	145
Merchant Shipping Acts Amendment (No. 2) Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Mr. Plimsoll, Mr. Roebuck, Mr. Samuda, Mr. Kirkman Hodgson</i>); presented, and read the first time [Bill 31]	145
Parliamentary Elections (Returning Officers) Bill —Ordered (<i>Sir Henry James, Sir William Harcourt</i>); presented, and read the first time [Bill 32]	146
Common Law Procedure Act (1852) Amendment Bill —Ordered (<i>Mr. Waddy, Mr. Lopes, Mr. Charles Lewis, Mr. Morgan Lloyd</i>); presented, and read the first time [Bill 33]	146
Municipal Franchise (Ireland) Bill —Ordered (<i>Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 34]	146
Landlord and Tenant (Ireland) Act (1870) Amendment Bill —Ordered (<i>Mr. Crawford, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney</i>); presented, and read the first time [Bill 35]	146
Coroners (Ireland) Bill —Ordered (<i>Mr. Vance, Sir John Gray, Mr. Downing</i>); presented, and read the first time [Bill 36]	146
Election of Aldermen (Cumulative Vote) Bill —Ordered (<i>Mr. Heygate, Mr. Fawcett, Mr. Morley, Mr. Wheelhouse</i>); presented, and read the first time [Bill 37]	146

TABLE OF CONTENTS.

[February 8.]	Page
Metropolis Local Management Acts Amendment Bill —Ordered (<i>Mr. Boord, Sir Charles Mills, Mr. Coope, Mr. Gordon</i>); presented, and read the first time [Bill 38] ..	146
Labourers Cottages, &c. (Scotland) Bill —Ordered (<i>Mr. Fordyce, Sir George Balfour, Mr. M'Combie, Mr. Barclay, Mr. Kinnaird</i>); presented, and read the first time [Bill 39] ..	147
Sale of Coal, &c. Bill —Ordered (<i>Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir Henry Havelock, Mr. Hamond</i>); presented, and read the first time [Bill 40] ..	147
LORDS, TUESDAY, FEBRUARY 9.	
Supreme Court of Judicature Act (1873) Amendment Bill — Bill to amend and extend the Supreme Court of Judicature Act, 1873, presented (<i>The Lord Chancellor</i>); after short debate, Bill read 1 ^a (No. 10) ..	147
Land Titles and Transfer Bill — Bill to simplify Titles and to facilitate the Transfer of Land, presented (<i>The Lord Chancellor</i>); read 1 ^a (No. 11) ..	155
Church Patronage Bill [H.L.]—Presented (<i>The Lord Bishop of Peterborough</i>); read 1 ^a (No. 12) ..	158
COMMONS, TUESDAY, FEBRUARY 9.	
ASH WEDNESDAY—MOTION FOR ADJOURNMENT — House, at its rising, to adjourn till Thursday,—(<i>Mr. Disraeli</i>) ..	159
FIRES IN THE METROPOLIS—HYDRANTS —Question, <i>Mr. Freshfield</i> ; Answer, <i>Sir James Hogg</i> ..	159
THE NEW LAW COURTS — SUPREME COURT OF APPEAL —Question, <i>Mr. Freshfield</i> ; Answer, <i>Lord Henry Lennox</i> ..	159
HIGHWAYS—LEGISLATION —Question, <i>Sir George Jenkinson</i> ; Answer, <i>Mr. Sclater-Booth</i> ..	160
FOREIGN OFFICE—DEFECTIVE LIFTS —Question, <i>Sir Henry Wolff</i> ; Answer, <i>Mr. Bourke</i> ..	160
METROPOLIS—EXPLOSION IN THE REGENT'S PARK —Question, <i>Sir Thomas Chambers</i> ; Answer, <i>Lord Henry Lennox</i> ..	161
NATIONAL SCHOOLS (IRELAND) — SCHOOLMASTERS — Question, <i>Mr. Sheil</i> ; Answer, <i>Sir Michael Hicks-Beach</i> ..	161
STROUD WRIT—RESOLUTION — <i>Moved</i> , "That no new Writ be issued for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of <i>Henry R. Brand, esquire</i> , whose Election has been declared void,"—(<i>Mr. Charles Lewis</i>) ..	162
After debate, Question put:—The House <i>divided</i> ; Ayes 44, Noes 225; Majority 181.	
LIGHTING, PAVING, AND CLEANSING (METROPOLIS)—RESOLUTION — <i>Moved</i> , "That, in the opinion of this House, the condition of the Metropolis as regards Lighting, Paving, and Cleansing, calls for legislation,"—(<i>Sir William Fraser</i>) ..	190
After short debate, Motion, by leave, <i>withdrawn</i> .	
PARLIAMENT—BUSINESS OF THE HOUSE—OPPOSED BUSINESS—RESOLUTION — <i>Moved</i> , "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called,"—(<i>Mr. Heygate</i>) ..	199
Amendment proposed, To add, at the end of the Question, the words "Provided that this rule shall not apply to any Bill which has passed through Committee of the House,"—(<i>Mr. Dillwyn</i>). Question proposed, "That those words be there added." After short debate, Question put:—The House <i>divided</i> ; Ayes 49, Noes 91; Majority 42. Main Question put, and <i>agreed to</i> .	

TABLE OF CONTENTS.

<i>[February 8.]</i>	<i>Page</i>
Elementary Education (Compulsory Attendance) Bill —Ordered (<i>Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan</i>); presented, and read the first time [Bill 16]	143
Agricultural Labourers' Dwellings (Ireland) Bill —Ordered (<i>Mr. Bruen, Viscount Crichton, Mr. Kavanagh</i>); presented, and read the first time [Bill 17]	143
Wild Animals (Scotland) Bill — <i>Mr. James Barclay, Mr. Trevelyan, Mr. Fordyce</i> ; presented, and read the first time [Bill 18]	143
Permissive Prohibitory Liquor Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnston</i>); presented, and read the first time [Bill 19]	143
Household Franchise (Counties) Bill —Ordered (<i>Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, Mr. Lambert, Mr. Blennerhassett</i>); presented, and read the first time [Bill 20]	144
Sheriff Courts (Scotland) Bill —Ordered (<i>Mr. Anderson, Colonel Muir, Mr. M'Lagan</i>); presented, and read the first time [Bill 21]	144
Public Worship Facilities Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Mr. Salt, Mr. Cawley, Mr. Couper-Temple, Mr. Norwood, Sir Henry Wolf</i>); presented, and read the first time [Bill 22]	144
Municipal Corporations (Ireland) Bill —Ordered (<i>Mr. Ronayne, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 41]	144
Glebe Lands (Ireland) Bill —Ordered (<i>Mr. Mulholland, Mr. Bruen, Viscount Crichton</i>); presented, and read the first time [Bill 23]	144
Contagious Diseases Acts Repeal Bill —Ordered (<i>Sir Harcourt Johnstone, Mr. Stansfeld</i>); presented, and read the first time [Bill 24]	141
Women's Disabilities Removal Bill —Ordered (<i>Mr. Forsyth, Sir Robert Anstruther, Mr. Russell Gurney</i>); presented, and read the first time [Bill 25]	144
Church Rates Abolition (Scotland) Bill —Ordered (<i>Mr. M'Laren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Grieve, Mr. Laing, Sir George Balfour</i>); presented, and read the first time [Bill 26]	145
County Boards (Ireland) (No. 2) Bill —Ordered (<i>Mr. O'Shaughnessy, Mr. Butt</i>); presented, and read the first time [Bill 27]	145
Borough Franchise (Ireland) Bill —Ordered (<i>Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 28]	145
Representation of the People Acts Amendment Bill —Ordered (<i>Sir Henry Wolf, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder</i>); presented, and read the first time [Bill 29]	145
Bank Holidays Act (1871) Extension and Amendment Bill —Ordered (<i>Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loghlen</i>); presented, and read the first time [Bill 30]	145
Merchant Shipping Acts Amendment (No. 2) Bill —Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (<i>Mr. Plimsoll, Mr. Roebuck, Mr. Samuda, Mr. Kirkman Hodgson</i>); presented, and read the first time [Bill 31]	146
Parliamentary Elections (Returning Officers) Bill —Ordered (<i>Sir Henry James, Sir William Harcourt</i>); presented, and read the first time [Bill 32]	146
Common Law Procedure Act (1852) Amendment Bill —Ordered (<i>Mr. Waddy, Mr. Lopes, Mr. Charles Lewis, Mr. Morgan Lloyd</i>); presented, and read the first time [Bill 33]	146
Municipal Franchise (Ireland) Bill —Ordered (<i>Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan</i>); presented, and read the first time [Bill 34]	146
Landlord and Tenant (Ireland) Act (1870) Amendment Bill —Ordered (<i>Mr. Crawford, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney</i>); presented, and read the first time [Bill 35]	146
Coroners (Ireland) Bill —Ordered (<i>Mr. Vance, Sir John Gray, Mr. Downing</i>); presented, and read the first time [Bill 36]	146
Election of Aldermen (Cumulative Vote) Bill —Ordered (<i>Mr. Heygate, Mr. Fawcett, Mr. Morley, Mr. Wheelhouse</i>); presented, and read the first time [Bill 37]	146

TABLE OF CONTENTS.

[February 8.]

Page

Metropolis Local Management Acts Amendment Bill —Ordered (<i>Mr. Boord, Sir Charles Mills, Mr. Coope, Mr. Gordon</i>); presented, and read the first time [Bill 38] ..	146
Labourers Cottages, &c. (Scotland) Bill —Ordered (<i>Mr. Fordyce, Sir George Balfour, Mr. McComb, Mr. Barclay, Mr. Kinnaid</i>); presented, and read the first time [Bill 39] ..	147
Sale of Coal, &c. Bill —Ordered (<i>Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir Henry Havelock, Mr. Hamond</i>); presented, and read the first time [Bill 40] ..	147

LORDS, TUESDAY, FEBRUARY 9.

Supreme Court of Judicature Act (1873) Amendment Bill — Bill to amend and extend the Supreme Court of Judicature Act, 1873, presented (<i>The Lord Chancellor</i>); after short debate, Bill read 1 ^a (No. 10) ..	147
Land Titles and Transfer Bill — Bill to simplify Titles and to facilitate the Transfer of Land, presented (<i>The Lord Chancellor</i>); read 1 ^a (No. 11) ..	155
Church Patronage Bill [H.L.]—Presented (<i>The Lord Bishop of Peterborough</i>); read 1 ^a (No. 12) ..	158

COMMONS, TUESDAY, FEBRUARY 9.

ASH WEDNESDAY—MOTION FOR ADJOURNMENT — House, at its rising, to adjourn till Thursday,—(<i>Mr. Disraeli</i>) ..	159
FIRES IN THE METROPOLIS—HYDRANTS —Question, <i>Mr. Freshfield</i> ; Answer, <i>Sir James Hogg</i> ..	159
THE NEW LAW COURTS — SUPREME COURT OF APPEAL —Question, <i>Mr. Freshfield</i> ; Answer, <i>Lord Henry Lennox</i> ..	159
HIGHWAYS—LEGISLATION —Question, <i>Sir George Jenkinson</i> ; Answer, <i>Mr. Sclater-Booth</i> ..	160
FOREIGN OFFICE—DEFECTIVE LIFTS —Question, <i>Sir Henry Wolff</i> ; Answer, <i>Mr. Bourke</i> ..	160
METROPOLIS—EXPLOSION IN THE REGENT'S PARK —Question, <i>Sir Thomas Chambers</i> ; Answer, <i>Lord Henry Lennox</i> ..	161
NATIONAL SCHOOLS (IRELAND) — SCHOOLMASTERS — Question, <i>Mr. Sheil</i> ; Answer, <i>Sir Michael Hicks-Beach</i> ..	161
STROUD WRIT—RESOLUTION — <i>Moved</i> , "That no new Writ be issued for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of <i>Henry R. Brand</i> , esquire, whose Election has been declared void,"—(<i>Mr. Charles Lewis</i>) ..	162
After debate, Question put:—The House <i>divided</i> ; Ayes 44, Noes 225; Majority 181.	
LIGHTING, PAVING, AND CLEANSING (METROPOLIS)—RESOLUTION — <i>Moved</i> , "That, in the opinion of this House, the condition of the Metropolis as regards Lighting, Paving, and Cleansing, calls for legislation,"—(<i>Sir William Fraser</i>) ..	190
After short debate, Motion, by leave, <i>withdrawn</i> .	
PARLIAMENT—BUSINESS OF THE HOUSE—OPPOSED BUSINESS—RESOLUTION — <i>Moved</i> , "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called,"—(<i>Mr. Heygate</i>) ..	199
Amendment proposed, To add, at the end of the Question, the words "Provided that this rule shall not apply to any Bill which has passed through Committee of the House,"—(<i>Mr. Dilwyn</i> .)	
Question proposed, "That those words be there added."	
After short debate, Question put:—The House <i>divided</i> ; Ayes 49, Noes 91; Majority 42.	
Main Question put, and <i>agreed to</i> .	

TABLE OF CONTENTS.

[February 9.]

Page

Open Spaces (Metropolis) Bill—

Motion for Leave (*Mr. Whalley*) .. 209

After short debate, Motion agreed to:—Bill for affording facilities for vesting in the Metropolitan Board of Works, open spaces, gardens, and squares within the Metropolitan District for the exercise and recreation of the public; and to empower owners or joint owners or a majority thereof, to enter into arrangements with the Metropolitan Board of Works in relation thereto, ordered (*Mr. Whalley, Sir George Bowyer*); presented, and read the first time [Bill 50.]

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS) — Standing Committee appointed:—List of the Committee .. 210

PRINTING—Select Committee appointed:—List of the Committee .. 210

PUBLIC PETITIONS—Select Committee appointed:—List of the Committee .. 210

Tribunals of Commerce Bill—Ordered (*Mr. Whitwell, Mr. Sampson Lloyd, Mr. Ripley*); presented, and read the first time [Bill 42] .. 211

Infanticide Bill—Ordered (*Mr. Charley, Mr. Whitwell*); presented, and read the first time [Bill 43] .. 211

Marriage with a Deceased Wife's Sister Bill—Ordered (*Sir Thomas Chambers, Mr. Morley, Mr. Burt, Mr. Macdonald*); presented, and read the first time [Bill 44] .. 211

Offences against the Person Bill—Ordered (*Mr. Charley, Mr. Whitwell*); presented, and read the first time [Bill 45] .. 211

Legal Practitioners Bill—Ordered (*Mr. Charley, Mr. William Gordon*); presented, and read the first time [Bill 46] .. 211

Glebe Lands, Corporate Bodies (Ireland) Bill—Ordered (*Mr. Mulholland, Mr. Bruen, Viscount Orichton*); presented, and read the first time [Bill 47] .. 211

Epping Forest Bill—Ordered (*Lord Henry Lennox, Mr. William Henry Smith*); presented, and read the first time [Bill 52] .. 211

Poor Law Guardians (Ireland) Bill—Ordered (*Sir Colman O'Loughlen, The O'Connor Don, Mr. Callan*); presented, and read the first time [Bill 48] .. 211

Parliamentary Elections (Validity of Votes) Bill—Ordered (*Sir Colman O'Loughlen, Lord Francis Conyngham, Captain Nolan*); presented, and read the first time [Bill 49] .. 212

County Boards (Ireland) Bill—Ordered (*Captain Nolan, Mr. Fay, Mr. O'Clery*); presented, and read the first time [Bill 51] .. 212

LORDS, THURSDAY, FEBRUARY 11.

Their Lordships met;—And having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, THURSDAY, FEBRUARY 11.

PARLIAMENT—REPRESENTATION OF IRELAND—CASHEL AND SLIGO—Question, Sir Colman O'Loughlen; Answer, Sir Michael Hicks-Beach .. 212

CATTLE DISEASE (IRELAND)—PLEURO-PNEUMONIA—COMPULSORY SLAUGHTER—Question, Mr. J. W. Barclay; Answer, Sir Michael Hicks-Beach .. 213

POST OFFICE—MAILS BETWEEN SCOTLAND AND IRELAND—Question, Mr. Anderson; Answer, Lord John Manners .. 213

IRELAND—SALARIES OF PETTY SESSIONS CLERKS—Question, Mr. French; Answer, Sir Michael Hicks-Beach .. 214

POOR LAW (IRELAND)—SYSTEM OF RATING—Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach .. 214

IRELAND—IRISH PHARMACEUTICAL SOCIETY—GRAND JURY SYSTEM—Question, Mr. Errington; Answer, Sir Michael Hicks-Beach .. 215

SLAVERY ON THE GOLD COAST—Question, Mr. W. Cartwright; Answer, Mr. J. Lowther .. 215

EXPLOSIVE SUBSTANCES—LEGISLATION—Question, Mr. Whitwell; Answer, Mr. Assheton Cross .. 216

IRELAND—IRISH CONVICT SERVICE—MOUNTJOY FEMALE PRISON—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach .. 216

TABLE OF CONTENTS.

[February 11.]

Page

Public Works Loan Acts Consolidation Bill—

- Motion for Leave (*The Chancellor of the Exchequer*) .. 217
 After short debate, Motion agreed to :—Bill to consolidate the Acts relating to Loans for Public Works, ordered (*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*); presented, and read the first time [Bill 54.]

Public Works Loan Acts Amendment Bill—

- Motion for Leave (*The Chancellor of the Exchequer*) .. 217
 Motion agreed to :—Bill to amend the Acts relating to Loans for Public Works, ordered (*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*); presented, and read the first time [Bill 53.]

Public Health Bill—

- Motion for Leave (*Mr. Solater-Booth*) .. 229
 After short debate, Motion agreed to :—Bill for consolidating and amending the Acts relating to Public Health in England, ordered (*Mr. Solater-Booth, Mr. Clare Read*); presented, and read the first time [Bill 55.]

International Copyright Bill—

- Considered in Committee .. 235
 Moved, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to International Copyright,"—(*Mr. Bourke*.)
 After short debate, Motion agreed to :—Resolution reported :—Bill ordered (*Mr. Bourke, Mr. Raikes, Sir Charles Adderley*); presented, and read the first time [Bill 56.]

Municipality of London Bill—

- Motion for Leave (*Lord Elcho*) .. 236
 After short debate, Motion agreed to :—Bill for creating a County and Municipality of London, and for other purposes connected therewith ordered (*Lord Elcho, Mr. Kay-Shuttleworth, Mr. Staveley Hill*); presented, and read the first time [Bill 61.]

STANDING ORDERS—Select Committee nominated :—List of the Committee .. 240

SELECTION—Committee nominated :—List of the Committee .. 240

Municipal Elections Bill—Ordered (*Mr. Dodds, Mr. Gourley, Mr. Callender, Mr. Rathbone*) .. 240

Local Government (Ireland) Bill—Ordered (*Mr. Bruen, Sir Arthur Guinness, Mr. Corry, Mr. Kavanagh, Mr. Mulholland*); presented, and read the first time [Bill 58] 240

Poor Removal Bill—Ordered (*Mr. Downing, Mr. French, Mr. Power, Mr. O'Shaughnessy*); presented, and read the first time [Bill 59] .. 240

Allotments Extension Bill—Ordered (*Sir Charles Dilke, Mr. Edward Jenkins, Mr. Burt*); presented, and read the first time [Bill 57] .. 241

Foreign Loans Registration Bill—Ordered (*Mr. Henry B. Sheridan, Mr. M'Lagan*); presented, and read the first time [Bill 60] .. 241

LORDS, FRIDAY, FEBRUARY 12.

QUEEN'S SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS reported .. 241

Patents for Inventions Bill—

Bill for consolidating with Amendments the Acts relating to Letters Patent for Inventions, presented (*The Lord Chancellor*); after short debate, Bill read 1^a (No. 15) .. 241

Elementary Education Provisional Orders Confirmation (*Caister, &c.*) Bill [H.L.]—Presented (*The Lord President*); read 1^a (No. 14) .. 268

TABLE OF CONTENTS.

COMMONS, FRIDAY, FEBRUARY 12.		Page
LABOUR LAWS COMMISSION—FINAL REPORT—Question, Mr. Joseph Cowen ; Answer, Mr. Assheton Cross	269	
MUSEUM OF PATENTS AND INVENTIONS—SOUTH KENSINGTON—Question, Mr. Mundella ; Answer, Lord Henry Lennox	269	
PRIVILEGE — OFFENSIVE LANGUAGE REFERRING TO IRISH MEMBERS — Question, Mr. Sullivan ; Answer, Mr. Lopes	269	
FRIENDLY SOCIETIES BILL—Question, Mr. Dillwyn ; Answer, The Chancellor of the Exchequer	270	
THE QUEEN'S SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS <i>reported</i>	271	

STROUD WRIT—MOTION TO ISSUE NEW WRIT—

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry Robert Brand, esquire, whose Election has been determined to be void,"—(*Mr. Adam*) 271

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no new Writ be issued for the Election of a Member of Parliament for the Borough of Stroud until three days after the printing and distribution among the Members of this House of the evidence taken upon the trial of the Petition against the return of the late Member which took place before Mr. Baron Pigott,"—(*Mr. Charles Lewis*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After debate, Question put :—The House *divided* ; Ayes 184, Noes 73 ; Majority 111.

Main Question put, and *agreed to*.

SUPPLY—Order for Committee read ; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

PARLIAMENT—BUSINESS OF THE HOUSE—Postponement of Notice, Mr. Newdegate 303

FRIENDLY SOCIETIES BILL—Observations, The Marquess of Hartington ; Reply, The Chancellor of the Exchequer 303

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn* :—Committee *deferred* till *Monday* next.

SUPERANNUATION ACT, 1859 [SPECIAL RATES OF PENSION]—

Considered in Committee.

Resolved, That it is expedient to grant special rates of Pension to persons who have served in an established capacity in the permanent Civil Service of the State, where such persons have served in an unhealthy place.

Resolution *agreed to* ; to be reported upon *Monday* next.

Adulteration of Food and Drugs Bill—Ordered (*Mr. Selater-Booth, Mr. Clave* Read) ; presented, and read the first time [Bill 62] 304

PUBLIC ACCOUNTS—Committee *nominated* :—List of the Committee 304

LORDS, MONDAY, FEBRUARY 15.

TURKEY — COMMERCIAL TREATIES WITH SERVIA AND ROUMANIA — Question, Observations, Lord Stratheden ; Reply, The Earl of Derby 305

COMMONS, MONDAY, FEBRUARY 15.

CRIMINAL LAW—IMPRISONMENT OF A BLIND BOY AT DROGHEDA—Question, Mr. W. Johnston ; Answer, Sir Michael Hicks-Beach 307

PARLIAMENT — BOROUGH OF BOSTON—ISSUE OF A ROYAL COMMISSION—Question, Mr. Yorke ; Answer, The Attorney General 307

ARMY—LANDGUARD FORT—Question, Colonel Jervis ; Answer, Mr. Gathorne Hardy 308

PARLIAMENT—SITTINGS OF THE HOUSE—Question, Mr. O'Connor Power ; Answer, Mr. Disraeli 309

TABLE OF CONTENTS.

[February 15.]

	Page
IRELAND — CROWN SOLICITOR FOR TYRONE — Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach ..	309
PATRIOTIC FUND—AUDIT OF ACCOUNTS—Question, Colonel Makins; Answer, Mr. W. H. Smith ..	310
THE ARCTIC EXPEDITION—Question, Lord Randolph Churchill; Answer, Mr. A. Egerton ..	310
AGRICULTURAL TENANCIES BILL — Question, Mr. Dodson; Answer, Mr. Assheton Cross ..	311
POST OFFICE—TELEGRAPH OFFICE AT BALLINAMORE—Question, Dr. Brady; Answer, Lord John Manners ..	311
SPAIN — RECOGNITION OF THE EXISTING GOVERNMENT — Question, Mr. O'Clery; Answer, Mr. Bourke ..	312
PALACE OF WESTMINSTER — THE MACLISE FREScoes IN THE QUEEN'S GALLERY—Question, Mr. Hankey; Answer, Lord Henry Lennox ..	312
MONASTIC AND CONVENTUAL INSTITUTIONS—Question, Mr. Newdegate; Answer, Mr. Bourke ..	313
COPYRIGHT BILL—Question, Mr. E. Jenkins; Answer, Mr. Bourke ..	313

PRIVILEGE — OFFENSIVE LANGUAGE REFERRING TO IRISH MEMBERS — RESOLUTIONS—

<i>Moved</i> , "That the passage complained of be read by the Clerk at the Table,"—(<i>Mr. Sullivan</i>)	313
Motion agreed to.	
The said paper delivered in, and the paragraph complained of read.	
After short debate, <i>Moved</i> , "That the language contained in the paragraph complained of is a breach of the Privileges of this House,"—(<i>Mr. Sullivan</i> .)	
After further short debate, Motion, by leave, <i>withdrawn</i> .	

Artizans Dwellings Bill [Bill 1]—

<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Secretary Cross</i>)	335
After long debate, Motion agreed to :—Bill read a second time, and committed for Thursday, 4th March.	

TICEBORNE TRIAL—Motion for an Address (<i>Mr. Whalley</i>)	387
[The Motion not being seconded, was not put.]	

EAST INDIA HOME GOVERNMENT [PENSIONS]—

Considered in Committee	390
Resolution agreed to ; to be reported upon Monday next.	

Superannuation Act (1859) Amendment Bill—Resolution [Feb 12] reported, and agreed to :—Bill ordered (<i>Mr. Raikes</i> , <i>Mr. Chancellor of the Exchequer</i> , <i>Mr. William Henry Smith</i>); presented, and read the first time [Bill 64]	390
---	-----

Land Drainage Provisional Order Bill—Ordered (<i>Sir Henry Selwin-Ibbetson</i> , <i>Mr. Secretary Cross</i>); presented, and read the first time [Bill 66]	390
--	-----

County Surveyors Superannuation (Ireland) Bill—Ordered (<i>Sir Colman O'Loughlin</i> , <i>Mr. William Johnston</i> , <i>Mr. Macartney</i>); presented, and read the first time [Bill 65]	391
--	-----

Local Government Board's Provisional Orders Confirmation Bill—Ordered (<i>Mr. Clars Read</i> , <i>Mr. Sclater-Booth</i>); presented, and read the first time [Bill 67]	391
--	-----

Licensing Courts Appeal (Scotland) Bill—Ordered (<i>Mr. Anderson</i> , <i>Mr. M'Lagan</i> , <i>Mr. Cowan</i>); presented, and read the first time [Bill 68]	391
---	-----

LORDS, TUESDAY, FEBRUARY 16.

CHIMNEY SWEEPERS ACTS — CASE OF GEORGE BREWSTER — Question, Observations, The Earl of Shaftesbury; Reply, Earl Beauchamp ..	391
---	-----

TABLE OF CONTENTS.

COMMONS, TUESDAY, FEBRUARY 16.		Page
NAVY — RELIGIOUS CEREMONY AT LAUNCHES — Question, Mr. Edward Reed; Answer, Mr. Hunt		393
THE ARCTIC EXPEDITION—Question, Mr. Edward Reed; Answer, Mr. Hunt		394
CRIMINAL LAW—CASE OF CHRISTINA VIVIAN—Question, Mr. Hopwood; Answer, Mr. Assheton Cross		394
THE FACTORY ACT, 1874 — BLEACH WORKS AND DYE WORKS — Question, Mr. Macdonald; Answer, Mr. Assheton Cross		395
PRIVILEGE—THE RECENT DEBATE [February 15]—PERSONAL EXPLANATION —Observations, Sir John Astley		396
Monastic and Conventual Institutions Bill—		
Motion for Leave (<i>Mr. Newdegate</i>)		397
Motion agreed to:—Bill for appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith, ordered (<i>Mr. Newdegate, Sir Thomas Chambers, Mr. Holt</i>); presented, and read the first time [Bill 69.]		
Public Worship Facilities Bill [Bill 22]—		
Moved, "That the Bill be now read a second time,"—(<i>Mr. Salt</i>) ..		397
After short debate, Motion agreed to:—Bill read a second time, and committed for Tuesday next.		
Parliamentary Elections (Returning Officers) Bill [Bill 32]—		
Moved, "That the Bill be now read a second time,"—(<i>Sir Henry James</i>)		409
After short debate, Motion agreed to:—Bill read a second time, and committed for Wednesday, 17th March.		
Common Law Procedure Act (1852) Amendment Bill—		
[Bill 33]—		
Moved, "That the Bill be now read a second time,"—(<i>Mr. Waddy</i>) ..		415
Motion agreed to:—Bill read a second time, and committed for Friday.		
JOHN MITCHEL—PAPERS RELATING TO HIS CONVICTION AND ESCAPE—		
Moved, "That there be laid before this House, Copy of the Certificate by the Clerk of the Crown for the County of Dublin, of the Conviction and of the Judgment in the case of the Queen against John Mitchel, tried at a Court of Oyer and Terminer and Gaol Delivery held at Dublin on the 26th day of May 1848:		
"Extract from the Government Gazette, published by authority, at Hobart Town on the 14th day of June 1853, containing an official notification of the escape of John Mitchel, and offering a reward for his apprehension:		
"And, Copy of any Despatches from the Lieutenant Governor of Van Diemen's Land, relative to the Ticket of Leave granted to the said John Mitchel, and to his escape from the Colony,"—(<i>Mr. Hart Dyke</i>)		415
After short debate, Question put:—The House divided; Ayes 174, Noes 13; Majority 161.		
Papers presented accordingly; to lie upon the Table, and to be printed. [No. 50.]		
Moved, "That the Papers be taken into consideration on Thursday next," —(<i>Mr. Hart Dyke</i> .)		
Moved, "That in addition to the Papers ordered, there also be furnished Papers showing the composition of the jury on the occasion of Mr. Mitchel's trial, the names of the jurors, and the proceedings in the Courts of Law with reference to the selection and striking of the jury,"—(<i>Mr. John Martin</i>)		421
[The Motion was not seconded.]		
Original Motion put, and agreed to.		

TABLE OF CONTENTS.

COMMONS, WEDNESDAY, FEBRUARY 17.

Page

Wild Animals (Scotland) Bill [Bill 18]—

- Moved*, "That the Bill be now read a second time,"—(*Mr. James Barclay*) 422
- Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Dundas*.)
- After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 66, Noes 178; Majority 112.
- Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for six months.

Marriage with a Deceased Wife's Sister Bill [Bill 44]—

- Moved*, "That the Bill be now read a second time,"—(*Sir Thomas Chambers*) 455
- Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Arthur Mills*.)
- After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 142, Noes 171; Majority 29.
- Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for six months.
- Division List, Ayes and Noes 480

Registry of Deeds Office (Ireland) Bill—Ordered (*Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Sir Michael Hicks-Beach*) 483

LORDS, THURSDAY, FEBRUARY 18.

Their Lordships met;—And having gone through the Business on the Paper, without debate— [House adjourned]

COMMONS, THURSDAY, FEBRUARY 18.

- CIVIL SERVICE EXAMINATIONS—Question, Mr. Kinnaird; Answer, The Chancellor of the Exchequer 484
- NAVY—GOVERNMENT DOCKS—CONCESSIONS TO PRIVATE FIRMS—Question, Mr. Hopwood; Answer, Mr. Hunt 484
- NAVY—TRAINING SHIP IN DUBLIN BAY—Question, Mr. Owen Lewis; Answer, Mr. Hunt 485
- FACTORY ACTS CONSOLIDATION—Question, Mr. Tennant; Answer, Mr. Assheton Cross 485

PARLIAMENT—RULES AND ORDERS AS TO INTRODUCTION OF NEW MEMBERS—

- Mr. Edward Vaughan Kenealy came to the Table to be sworn without being introduced by two Members, according to custom—
- Whereupon, Resolution [23rd February 1688] read 486
- Moved*, "That the said Resolution of the House be dispensed with on this occasion,"—(*Mr. Disraeli*.)
- After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Bontinck*:)—Question put, and *negatived*.
- Original Question put, and *agreed to*.

JOHN MITCHEL—PAPERS RELATING TO HIS CONVICTION AND ESCAPE—

- Order for Consideration of the Papers presented [16th February] relating to the Conviction and Escape of John Mitchel read 490

TABLE OF CONTENTS.

	<i>Page</i>
[February 18.]	
JOHN MITCHEL—TIPPERARY ELECTION—RESOLUTION—NEW WRIT ORDERED—	
<i>Moved</i> , "That John Mitchel, returned as Member for the County of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House,"—(<i>Mr. Disraeli</i>) ..	493
After debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. O'Shaughnessy</i> :)—After long debate, Question put:—The House divided; Ayes 102, Noes 269; Majority 167.	
Division List, Ayes and Noes	536
Original Question again proposed.	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the return of John Mitchel for the County Tipperary, and to search for precedents, and report thereupon to the House,"—(<i>The Marquess of Hartington</i> .)	
Question, "That the words proposed to be left out stand part of the Question," put, and <i>agreed to</i> .	
Main Question put, and <i>agreed to</i> .	
NEW WRIT ORDERED	539
INTOXICATING LIQUORS (IRELAND) BILL— <i>Considered</i> in Committee:—Resolution <i>agreed to</i> , and reported:—Bill ordered (<i>Mr. Sullivan, Mr. Dease</i>) ..	539
LORDS, FRIDAY, FEBRUARY 19.	
CRIMINAL LAW — THE CONVICT PRISON AT GIBRALTAR — Question, Observations, Lord Aberdare; Reply, The Earl of Carnarvon:—Short debate thereon	540
CHURCH BUILDING AND RESTORATION — RETURN—Question, Lord Hampton; Answer, Earl Beauchamp	550
WOOLWICH ACADEMY—THE NEW REGULATIONS—Question, Lord Monteagle; Answer, The Earl of Pembroke; Observations, Viscount Cardwell ..	551
COMMONS, FRIDAY, FEBRUARY 19.	
THE MAGISTRACY — APPOINTMENT OF MAGISTRATES—Question, Mr. Joseph Cowen; Answer, Mr. Assheton Cross	552
MERCHANT SHIPPING ACTS — THE SHIP "MARY ANN" — Question, Mr. Gourley; Answer, Sir Charles Adderley	554
CRIMINAL LAW—IMPRISONMENT OF A BLIND BOY AT DROGHEDA—Question, Mr. W. Johnston; Answer, Sir Michael Hicks-Beach	554
INDIA — LEAVE OF UNCOVENANTED CIVIL SERVANTS — Question, Mr. Dalrymple; Answer, Lord George Hamilton	555
PEACE PRESERVATION ACTS (IRELAND)—Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach	556
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
FACTORIES ACTS EXTENSION—MOTION FOR A SELECT COMMITTEE—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to ascertain and report how far it is expedient and practicable to extend the provisions of the Factories (Health of Women, &c.) Act, 1874, to manufactures and occupations other than textile, and further to consider and report upon the consolidation of all existing Factory and Workshop Regulation Acts,"—(<i>Mr. William Holms</i>),—instead thereof ..	556
Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, <i>withdrawn</i> .	

TABLE OF CONTENTS.

[February 19.]

Page

SUPPLY—Order for Committee read—*continued.*

DRAFTING AND REVISION OF ACTS OF PARLIAMENT — MOTION FOR A SELECT COMMITTEE—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed, to be assisted by a legal officer, to whom all Public Bills passing through this House shall be referred after they have been read a second time, and again after they have been reported, with amendments, from a Committee of the whole House, and whose duty it shall be to report to the House upon each Bill as to its accuracy of language, consistency of provisions, and harmony with existing legislation,"—(*Mr. Forryth*),—instead thereof ..

568

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, *withdrawn*.

BUSINESS OF THE HOUSE—INTRODUCTION AND PROGRESS OF PUBLIC BILLS —RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no Notice of Motion for leave to introduce a Public Bill, other than a Bill to be introduced by or on behalf of Her Majesty's Ministers, or a Bill brought from the House of Lords, shall be held to be sufficient, unless copies of such Bill have, three days previous to such Motion being made, been deposited in the Public Bill Office, or unless the Notice contain a description of the means or method by which the object of such Bill is proposed to be effected,"—(*Mr. Newdegate*),—instead thereof ..

575

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put, and *agreed to*.

Motion, "That Mr. Speaker do 'now leave the Chair," by leave, *withdrawn* :—Committee *deferred* till *Monday* next.

Adulteration of Food and Drugs Bill [Bill 62]—

Moved, "That the Bill be now read a second time,"—(*Mr. Sclater-Booth*) ..

593

After debate, Motion *agreed to* :—Bill read a second time, and *committed* for *Thursday* 4th March.

LORDS, MONDAY, FEBRUARY 22.

RAILWAYS — RAILWAY PASSENGER ACCOMMODATION — Observations, Lord Redesdale; Reply, The Duke of Richmond :—Short debate thereon ..

616

PRIVATE BILLS—

Ordered, That this House will not receive any petition for a Private Bill after *Friday* the 19th day of *March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any petition for a Private Bill approved by the Court of Chancery after *Tuesday* the 4th day of *May* next:

That this House will not receive any report from the Judges upon petitions presented to this House for Private Bills after *Tuesday* the 4th day of *May* next.

PRIVATE BILLS — Standing Order Committee on, *appointed* :—List of the Committee ..

620

OPPOSED PRIVATE BILLS—Select Committee *appointed* :—List of the Committee ..

620

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD—Select Committee on, *appointed* :—List of the Committee ..

620

PRIVATE BILLS—

All petitions relating to Standing Orders which shall be presented during the present Session referred to the Standing Order Committee, unless otherwise ordered ..

620

COMMONS, MONDAY, FEBRUARY 22.

CONTROVERTED ELECTIONS—ST. IVES ELECTION—Judge's Report ..

621

POST OFFICE RECEIVING HOUSES — PUBLIC HOUSES — GROCERS, &c.—

Question, Mr. Walter James; Answer, Lord John Manners ..

621

CUSTOMS DUTIES (IRELAND)—BANK NOTES — Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer ..

621

TABLE OF CONTENTS.

[February 22.]	Page
POST OFFICE—MAILS TO MONTERRAT—Question, Mr. Dixon; Answer, Lord John Manners	622
POST OFFICE—SORTERS AND SAVINGS BANK CLERKS—Questions, Mr. Goldsmid; Answer, Lord John Manners	622
THE ARCTIC EXPEDITION—SUB-LIEUTENANT FRANKLIN—Question, Mr. Wait; Answer, Mr. Hunt	623
SANITARY ACTS—IMPURE WATER (METROPOLIS)—Question, Mr. P. A. Taylor; Answer, Mr. Sclater-Booth	624
POLICE AND LUNACY GRANTS (SCOTLAND)—Question, Mr. Ramsay; Answer, The Chancellor of the Exchequer	625
MERCHANT SHIPPING ACTS—EMIGRANT VESSELS—Question, Mr. Hayter; Answer, Sir Charles Adderley	626
REPORT OF LABOUR LAWS COMMISSION—Question, Sir Charles Legard; Answer, Mr. Assheton Cross	626
MERCHANT SHIPPING BILL—BOYS FOR THE MERCHANT SERVICE—Question, Mr. Shaw Lefevre; Answer, Sir Charles Adderley	627
Regimental Exchanges Bill [Bill 3]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Secretary Hardy</i>)	628
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Mr. Trevelyan</i> .)	
After long debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Sir Henry Havelock</i> :)—Motion, by leave, <i>withdrawn</i> .	
Main Question put :—The House <i>divided</i> ; Ayes 282; Noes 185; Majority 97.	
Bill read a second time, and <i>committed for Thursday 4th March</i> .	
Division List, Ayes and Noes	714
Registry of Deeds Office (Ireland) Bill [Bill 70]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. William Henry Smith</i>)	717
Motion <i>agreed to</i> :—Bill read a second time, and <i>committed for Thursday</i> .	
East India Home Government (Pensions) Bill—Resolution [February 15] reported, and agreed to :—Bill ordered (Lord George Hamilton, Mr. William Henry Smith) ..	
Building Societies Act (1874) Amendment Bill—Ordered (Sir Henry Selwin-Ibbetson, Mr. Secretary Cross); presented, and read the first time [Bill 72] ..	718
EAST INDIA (COMPENSATION OF OFFICERS)—	
<i>Ordered</i> , That all Papers and Documents presented to Parliament upon the subject of Grievances of Indian Officers since Session 1861 be referred to the Select Committee, (<i>Lord George Hamilton</i> .)	
POLICE MAGISTRATES [SALARIES]—	
Committee to consider of authorising the payment, out of the Consolidated Fund, of increased Salaries to the Magistrates of the Police Courts in the Metropolis (<i>Queen's Recommendation signified</i>), <i>this day</i> .	

LORDS, TUESDAY, FEBRUARY 23.

Increase of the Episcopate Bill (No. 8)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Lyttelton</i>) ..	719
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Tuesday</i> the 9th of <i>March</i> next.	

TABLE OF CONTENTS.

[February 23.]

Page

Supreme Court of Judicature Act (1873) Amendment Bill— (No. 10)—

- Moved*, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 737
After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 4th of *March* next.

Land Titles and Transfer Bill (No. 11)—

- Moved*, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 744
After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

COMMONS, TUESDAY, FEBRUARY 23.

- IRELAND—THE IRISH CONSTABULARY—Question, Mr. O'Sullivan; Answer, Sir Michael Hicks-Beach .. 749
IRELAND—LOCAL TAXATION—THE GRAND JURY LAWS—Question, Mr. Macartney; Answer, Sir Michael Hicks-Beach .. 750
TIPPERARY NEW WRIT—MR. MITCHEL—Question, Mr. P. J. Smyth; Answer, The Attorney General .. 751
MERCHANT SHIPPING ACT—MISSING VESSELS—Question, Mr. Charles Wilson; Answer, Sir Charles Adderley .. 751
FACTORY AND WORKSHOPS ACTS—THE CANAL POPULATION—Question, Mr. William Price; Answer, Mr. Asheton Cross .. 753
METROPOLIS GAS (NEW WORKS) BILL—Question, Colonel Makins; Answer, Sir James Hogg .. 753
MERCHANT SHIPPING ACT—SHIPPING DISASTERS—Question, Mr. MacIver; Answer, Sir Charles Adderley .. 754

PARLIAMENTARY ELECTIONS (TRIAL OF PETITIONS)—MOTION FOR A SELECT COMMITTEE—

- Moved*, "That a Select Committee be appointed to inquire into the working of the 'Parliamentary Elections Act, 1868,' and to report what, if any, amendments are necessary,"—(*Mr. Serjeant Simon*) .. 755
After short debate, Motion, by leave, *withdrawn*.

LOANS TO FOREIGN STATES—MOTION FOR A SELECT COMMITTEE—

- Moved*, "That a Select Committee be appointed 'to inquire into the circumstances attending the making of Contracts for Loans with certain Foreign States, and also the causes which have led to the nonpayment of the principal moneys and interest due in respect of such Loans,'"—(*Sir Henry James*) .. 772
After short debate, Motion *agreed to*.
And, on March 1, Committee *nominated*:—List of the Committee .. 787

GENERAL CARRIERS ACT (1830)—MOTION FOR A SELECT COMMITTEE—

- Moved*, "That a Select Committee be appointed, 'to inquire into the operation of the Act 11 Geo. 4, and 1 Will 4, c. 68 (commonly known as 'The General Carriers Act, 1830'),"—(*Mr. Jackson*) .. 788
After short debate, Motion *agreed to*.
And, on March 5, Committee *nominated*:—List of the Committee .. 789

Boroughs and Populous Places (Scotland) Gas Supply Bill—Ordered (*Sir Wyndham Anstruther, Mr. Orr Ewing, Mr. Grieve, Mr. William Holmes*) .. 790

TURNPIKE ACTS CONTINUANCE—

- Select Committee *appointed*:—List of the Committee .. 790
Instruction to the Committee that they have power to inquire and report to the House under what conditions, with reference to the rate of interest, expenses of management, maintenance of road, payment of debt, and term of years, or other special arrangements the Acts of the Trusts mentioned should be continued,—(*Mr. Selater-Booth*.)

TABLE OF CONTENTS.

COMMONS, WEDNESDAY, FEBRUARY 24.		Page
Bills of Sale Act Amendment Bill [Bill 8]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Lopes</i>)	..	790
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Tuesday, 13th April.		
Glebe Lands (Ireland Bill [Bill 23]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Mulholland</i>)	..	793
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Thursday 18th March.		
Bank Holidays Act (1871) Extension and Amendment Bill [Bill 30]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Ritchie</i>)	..	795
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Mr. Wilson</i> .)		
Question proposed, "That the word 'now' stand part of the Question:"		
—After short debate, Question put:—The House <i>divided</i> ; Ayes 90, Noes 64; Majority 26.		
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Tuesday 16th March.		

LORDS, THURSDAY, FEBRUARY 25.

Church Patronage Bill (No. 12)—		
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Bishop of Peterborough</i>)	..	808
After long debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>referred</i> to a Select Committee.		
TURKEY—COMMERCIAL TREATIES WITH SERBIA AND ROUMANIA—Question, Observations, Lord Stratheden; Reply, The Earl of Derby		
	..	836

COMMONS, THURSDAY, FEBRUARY 25.

TRANSLATION OF IRISH MANUSCRIPTS—TREASURY MINUTE, 1857—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach		
	..	837
IRELAND—ROYAL IRISH CONSTABULARY—Questions, Mr. O'Reilly, Mr. Stacpoole; Answers, Sir Michael Hicks-Beach		
	..	838
INDIA—OFFICERS OF THE INDIAN ARTILLERY—Question, Colonel Jervis; Answer, Lord George Hamilton		
	..	838
EDUCATION (SCOTLAND) ACT 1872—LOANS FOR SCHOOL BUILDINGS—Question, Mr. Dalrymple; Answer, Viscount Sandon		
	..	840
ARMY—THE RESERVE AND THE MILITIA—Question, Colonel Mure; Answer, Mr. Gathorne Hardy		
	..	840
ARMY—INFANTRY ACCOUTREMENTS—Question, Colonel Mure; Answer, Mr. Gathorne Hardy		
	..	841
CHEAP EDITIONS OF THE STATUTES—Question, Mr. Edward Stanhope; Answer, Mr. W. H. Smith		
	..	841
LAND REVENUE ACT—PURCHASE OF LAND—Question, Colonel Gilpin; Answer, The Chancellor of the Exchequer		
	..	842
NAVY—RETIREMENT IN THE MARINE CORPS—Question, Mr. Anderson; Answer, Mr. Hunt		
	..	842
TURNPIKE TRUSTS AND TOLLS (SCOTLAND)—Question, Mr. James Barclay; Answer, Mr. Assheton Cross		
	..	843
ARMY—YEOMANRY PAY AND ALLOWANCES—Question, Viscount Newport; Answer, Mr. Gathorne Hardy		
	..	843

TABLE OF CONTENTS.

[February 25.]

Page

POST OFFICE — MAIL SERVICE VIA STRANRAER AND LARNE—Question, Mr. Anderson; Answer, Lord John Manners ..	844
METROPOLIS VALUATION ACT, 1869—Question, Mr. Goldsmid; Answer, The Chancellor of the Exchequer ..	844
IRELAND — RELEASE OF RIBBONMEN — Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach ..	844
IRELAND — DUBLIN MAIN DRAINAGE ACT, 1871 — Questions, Sir Arthur Guinness, Mr. Hankey; Answers, Sir Michael Hicks-Beach, The Chancellor of the Exchequer ..	846
MERCHANT SHIPPING ACT—CASUALTIES AT SEA—A ROYAL COMMISSION—Question, Mr. Gourley; Answer, Sir Charles Adderley ..	847
MERCHANT SHIPS (MEASUREMENT OF TONNAGE) BILL — LEGISLATION—Question, Mr. Palmer; Answer, Sir Charles Adderley ..	847
MERCHANT SHIPPING ACT AMENDMENT BILL—Question, Mr. Bentinck; Answer, Sir Charles Adderley ..	848

Friendly Societies Bill [Bill 2]—

<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Chancellor of the Exchequer</i>) ..	848
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Dr. Cameron.</i>)	
Question proposed, "That the word 'now' stand part of the Question :"—After long debate, Amendment, by leave, <i>withdrawn</i> :—Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Thursday, 11th March.	

Building Societies Act (1874) Amendment Bill [Bill 72]—

<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Sir Henry Selwin-Ibbetson</i>) ..	909
Motion <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for Thursday next.	

Police Magistrates (Salaries) Bill—

Resolution [Feb. 23] <i>reported</i> , and <i>agreed to</i> ..	910
After short debate, Bill <i>ordered</i> (<i>Sir Henry Selwin-Ibbetson, Mr. Secretary Cross, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 75.]	

Explosive Substances Bill—

<i>Considered</i> in Committee ..	910
<i>Moved</i> , "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-Glycerine, and other Explosive Substances,"—(<i>Mr. Secretary Cross.</i>)	
After short debate, Motion <i>agreed to</i> :—Resolution <i>reported</i> :—Bill <i>ordered</i> (<i>Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 76.]	

MOUNTJOY FEMALE PRISON—MOTION FOR PAPERS—

<i>Moved</i> , "That there be laid before this House, Copies of any Charge or Complaint, if any, preferred against Mrs. Ellen Richardson, Deputy Matron of Mountjoy Female Prison, in reference to the circumstances stated by the Chief Secretary for Ireland to have been the reasons for removing her from the public service ;	
"Of any Evidence taken at any investigation, if any was held, into the justice of any such charge or complaint against her :	
"And, of any Correspondence on the subject between Mrs. Richardson and the Chief Secretary or Captain Barlow, or between the Chief Secretary and Captain Barlow,"—(<i>Mr. Sullivan</i>) ..	914
After short debate, Motion, by leave, <i>withdrawn</i> .	

VOL. CCXXII. [THIRD SERIES.] [d]

TABLE OF CONTENTS.

LORDS, FRIDAY, FEBRUARY 26.

Page

Patents for Inventions Bill (No. 15)—

<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Chancellor</i>) ..	916
After debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Thursday</i> the 11th of <i>March</i> next.	

COMMONS, FRIDAY, FEBRUARY 26.

RELEASE OF POLITICAL PRISONERS—Question, Mr. O'Connor Power; Answer, Mr. Assheton Cross	942
THE EDUCATIONAL SYSTEM—COMPULSORY ATTENDANCE—LEGISLATION—Question, Mr. Dixon; Answer, Viscount Sandon	942
INSPECTORS OF MINES—LEGISLATION—Question, Mr. Macdonald; Answer, Mr. Assheton Cross	942
URUGUAY—ATROCITIES IN MONTE VIDEO—Question, Captain Pim; Answer, Mr. Bourke	943
ECCLESIASTICAL LAW—LEGISLATION—Question, Sir Wilfrid Lawson; Answer, Mr. Russell Gurney	943

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

TURNPIKE TRUSTS—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that legislation should take place, without further delay, dealing in a comprehensive manner with the future maintenance of roads,"—(<i>Sir George Jenkinson</i>),—instead thereof	944
---	-----

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*.

JOHN MITCHEL—HIS TRIAL AND CONVICTION IN 1848—MOTION FOR PAPERS—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of the List of Jurors, and of the panel selected therefrom, and of the Jury which tried John Mitchel,"—(<i>Mr. John Martin</i>),—instead thereof	964
---	-----

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair:"—

METROPOLIS—CLEANSING OF PAVEMENTS—Question, Observations, Sir William Fraser; Reply, Mr. Assheton Cross

983

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

LORDS, MONDAY, MARCH 1.

Supreme Court of Judicature Act (1873) Amendment Bill }

THE APPELLATE JURISDICTION OF THE HOUSE OF LORDS	}	
Notice of Amendments, Lord Redesdale, Lord Penzance		985

METROPOLIS WATER SUPPLY—Question, Observations, Earl Cadogan, Lord Belper; Reply, The Duke of Richmond	985
--	-----

COUNTY AND BURGH CONSTABULARY (SCOTLAND)—Question, Observations, The Earl of Minto; Reply, The Duke of Richmond	987
---	-----

ESTABLISHED CHURCH OF SCOTLAND—Question, The Earl of Minto; Answer, The Duke of Richmond	988
--	-----

TABLE OF CONTENTS.

COMMONS, MONDAY, MARCH 1.		Page
POST OFFICE—PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY'S CONTRACT—Questions, Mr. Eustace Smith, Mr. Goldney; Answers, Lord John Manners		988
POST OFFICE—DUBLIN AND LONDON MAILS—Question, Mr. Sullivan; Answer, Lord John Manners		990
INLAND REVENUE ACT—GRAIN FOR CATTLE (IRELAND)—Question, Mr. Richard Power; Answer, The Chancellor of the Exchequer		991
POLICE SUPERANNUATION—Question, Mr. Bolckow; Answer, Mr. Assheton Cross		991
NATIONAL SCHOOL TEACHERS (IRELAND)—Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach		991
ROYAL IRISH CONSTABULARY—PENSIONERS—Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach		992
ELEMENTARY EDUCATION ACT—LOANS TO SCHOOL BOARDS—Question, Mr. Tremayne; Answer, Viscount Sandon		993
MERCHANT SHIPPING ACTS—THE MERCANTILE MARINE—CERTIFICATION OF FOREIGNERS—Question, Captain Pim; Answer, Sir Charles Adderley		993
EXHIBITION OF 1851—REPORT OF THE COMMISSIONERS—Question, Mr. Dillwyn; Answer, Mr. Assheton Cross		995
NAVY—SALE OF WOODEN SHIPS OF WAR—Question, Mr. E. J. Reed; Answer, Mr. Hunt		995
THE NATIONAL GALLERY—EXTENSION OF SITE—Question, Mr. Beresford Hope; Answer, Lord Henry Lennox		996
REGIMENTAL EXCHANGES BILL—THE REGULATIONS—Questions, General Sir George Balfour, Mr. O'Reilly; Answers, Mr. Gathorne Hardy		997
HOUSE OF COMMONS—OFFICE OF SERGEANT-AT-ARMS—Question, Mr. Pease; Answer, Mr. Disraeli		997
ORDERS OF THE DAY—		
Orders of the Day postponed till after the Notice of Motion relating to the Peace Preservation (Ireland) Acts,—(<i>Mr. Disraeli.</i>)		
Peace Preservation (Ireland) Bill—		
Motion for Leave (<i>Sir Michael Hicks-Beach</i>)		998
After debate, Motion agreed to:—Bill to amend and continue certain Acts for the Preservation of the Peace in Ireland, ordered (<i>Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland</i>); presented, and read the first time [Bill 77.]		
Epping Forest Bill [Bill 52]—		
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. W. H. Smith</i>)		1039
After short debate, Motion, by leave, <i>withdrawn</i> .		
<i>Moved</i> , "That the Order that the Bill be committed be discharged:—That the Bill be referred to a Select Committee,"—(<i>Mr. W. H. Smith.</i>)		
Motion agreed to:—List of the Committee		1040
Police Magistrates (Salaries) Bill [Bill 75]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Sir Henry Selwin-Ibbetson</i>)		1040
After short debate, Motion agreed to:—Bill read a second time, and committed for To-morrow.		
Matrimonial Causes and Marriage Law (Ireland) Bill—Ordered (<i>Mr. Gibson, Mr. Bruen, Mr. Mulholland, Mr. McCartney</i>); presented, and read the first time [Bill 79]		
Dean Forest and Hundred of Saint Briavels Bill—Ordered (<i>Mr. William Henry Smith, Mr. Chancellor of the Exchequer</i>); presented, and read the first time [Bill 78] ..		

TABLE OF CONTENTS.

LORDS, TUESDAY, MARCH 2.

Page

Land Titles and Transfer Bill (Nos. 11-27)—

Order of the Day for the House to be put into Committee read ..	1041
After short debate, House in Committee accordingly:—Amendments made; the Report thereof to be received on <i>Monday, the 15th instant</i> ; and Bill to be <i>printed</i> , as amended. (No. 27.)	

European Assurance Society Arbitration Bill—

Bill for amending the European Assurance Society Arbitration Acts, 1872 and 1873, <i>presented</i> (<i>The Lord Chancellor</i>), and <i>referred</i> to the Examiners	1045
---	------

COMMONS, TUESDAY, MARCH 2.

CRIMINAL LAW—SENTENCE ON A CHILD AT STALYBRIDGE—Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross	1046
NAVY—REPORT OF COMMITTEE ON BOILERS—Question, Mr. T. Brassey; Answer, Mr. Hunt	1047
WESTMINSTER ABBEY—BURIALS—Question, Mr. Neville-Grenville; Answer, Mr. Assheton Cross	1047
INLAND REVENUE—ADULTERATION OF IRISH WHISKEY—Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer	1048
INLAND REVENUE—COLLECTION OF THE INCOME AND PROPERTY TAX—Question, Mr. Muntz; Answer, The Chancellor of the Exchequer	1048
MERCANTILE MARINE FUND—BOYS IN TRAINING SHIPS—Question, Mr. J. Corry; Answer, Sir Charles Adderley	1048
METROPOLIS—STREET CLEANSING—Question, Sir William Fraser; Answer, Mr. Assheton Cross	1049
HARBOURS OF REFUGE—Question, Sir Eardley Wilmot; Answer, Sir Charles Adderley	1050
CORONER'S INQUESTS—THE LATE SIR CHARLES LYELL—Question, Mr. W. Cartwright; Answer, Mr. Assheton Cross	1050
SPAIN—CASE OF MR. H. D. JENKEN—Question, Mr. Serjeant Simon; Answer, Mr. Bourke	1052
PEACE PRESERVATION (IRELAND) BILL—Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach	1052
MERCANTILE MARINE—THE EAST WINDS—ASSISTANCE TO SHIPPING—Question, Mr. Gourley; Answer, Mr. Hunt	1053
PRIVILEGE—UN-PARLIAMENTARY LANGUAGE—"UNCONDITIONAL ALLEGIANCE"—Observations, Mr. Charles Lewis; Reply, Mr. Speaker	1053
EDUCATION IN RURAL DISTRICTS—RESOLUTION— <i>Moved</i> , "That, in the opinion of this House, it is undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in other branches of industry,"—(<i>Mr. Fawcett</i>)	1054
Amendment proposed, To leave out from the word "undesirable" to the end of the Question, in order to add the words "to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,"—(<i>Mr. Pell</i>),—instead thereof	1067
After long debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House <i>divided</i> ; Ayes 149, Noes 229; Majority 80. Division List, Ayes and Noes	1116
Question proposed, "That the words 'to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,' be added, instead thereof." <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Walsh</i> :)—Question put, and <i>negatived</i> .	

TABLE OF CONTENTS.

[*March 2.*]

Page

EDUCATION IN RURAL DISTRICTS—RESOLUTION—*continued.*

Question again proposed,

"That the words 'to withhold from the children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,' be added, instead thereof."

After further short debate, Question put:—The House *divided*; Ayes 150, Noes 226; Majority 76.

Amendment proposed,

After the word "undesirable," to add the words "considering the limited experience of the working of the Agricultural Children Act, to legislate further on that subject at the present time,"—(*Mr. Wilbraham Egerton.*)

Question proposed, "That those words be there added."

Moved, "That the Debate be now adjourned,"—(*Mr. Locke.*)

Question put:—The House *divided*; Ayes 144, Noes 227; Majority 83.

Question again proposed, "That those words be there added."

Moved, "That this House do now adjourn,"—(*Mr. Macgregor.*)

Question put:—The House *divided*; Ayes 224, Noes 41; Majority 183.

COMMONS, WEDNESDAY, MARCH 3.

Universities (Scotland) (Degrees to Women) Bill [Bill 6]—

Moved, "That the Bill be now read a second time,"—(*Mr. Cowper-Temple*) .. 1123

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Mailland.*)

After long debate, Question put, "That the word 'now' stand part of the Question: "—The House *divided*; Ayes 151, Noes 194; Majority 43.

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for six months.

Division List, Ayes and Noes .. 1169

Public Worship Facilities Bill [Bill 22]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Salt*) .. 1172

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Monk.*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Beresford Hope*):—Motion *agreed to*:—Debate *adjourned till To-morrow.*

Local Government Board (Ireland) Provisional Orders Confirmation Bill—

Ordered (*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*); *presented*, and read the first time [Bill 81] .. 1174

Imprisonment for Debt Bill—*Ordered* (*Sir Eardley Wilmot, Mr. Staveley Hill*); *presented*, and read the first time [Bill 80] .. 1174

Metropolis Gas Companies Bill—*Ordered* (*Sir James Hogg, Sir Andrew Lusk, Mr. Goldney, Mr. John Holms*); *presented*, and read the first time [Bill 82] .. 1174

LORDS, THURSDAY, MARCH 4.

Supreme Court of Judicature Act (1873) Amendment Bill

(No. 10)—

Order for Committee read .. 1174

After short debate, House in Committee accordingly:—Amendments made; the Report thereof to be received on the *first Thursday after the recess at Easter*; and Bill to be *printed*, as amended (No. 29.)

TABLE OF CONTENTS.

COMMONS, THURSDAY, MARCH 4.

	<i>Page</i>
POST OFFICE—TELEGRAPHIC SERVICE (SCOTLAND)—Question, Mr. Mark Stewart; Answer, Lord John Manners ..	1176
INCLOSURE OF WASTE LANDS—LEGISLATION—Question, Mr. Walsh; Answer, Mr. Assheton Cross ..	1176
INDIA—THE BENGAL FAMINE—Question, Mr. T. E. Smith; Answer, Lord George Hamilton ..	1176
NAVY—ROYAL NAVAL RESERVE—THE REGULATIONS—Question, Mr. Goschen; Answer, Mr. Hunt ..	1177
AMENDMENT OF THE LABOUR LAWS—LEGISLATION—Question, Mr. Cowen; Answer, Mr. Assheton Cross ..	1177
EMPLOYMENT OF CHIMNEY SWEEPERS ACTS—CLIMBING-BOYS AT LIMERICK—Question, Colonel Corbett; Answer, Sir Michael Hicks-Beach ..	1177
NAVY—PROMOTION IN THE MARINE CORPS—Question, Mr. Anderson; Answer, Mr. Hunt ..	1178
CRIMINAL LAW—COUNTESS OF DUDLEY'S JEWELS—Question, Mr. Charles Lewis; Answer, Mr. Assheton Cross ..	1179
UNITED STATES—PHILADELPHIA INTERNATIONAL EXHIBITION—Question, Mr. Neville-Grenville; Answer, The Chancellor of the Exchequer ..	1180
INTERMEDIATE EDUCATION (IRELAND)—Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach ..	1181
METROPOLITAN BOARD OF WORKS—ANNUAL STATEMENT OF LIABILITIES—Question, Lord Edmond Fitzmaurice; Answer, Mr. W. H. Smith ..	1181
ARTIZANS DWELLINGS BILL—EXTENSION TO SCOTLAND—Questions, Mr. J. W. Barclay, Mr. Cawley; Answers, Mr. Assheton Cross ..	1182
NAVY STORES—PRISON LABOUR—Question, Colonel Beresford; Answer, Mr. Hunt ..	1182
MEDICAL ACT, 1858—EFFICIENCY OF MEDICAL PRACTITIONERS—Question, Mr. A. Mills; Answer, Viscount Sandon ..	1183
MONASTIC AND CONVENTUAL INSTITUTIONS—THE RETURN—Question, Mr. Newdegate; Answer, Mr. Bourke ..	1183
ADULTERATION OF FOOD ACT—ADULTERATION OF BEER—Question, Mr. Pemberton; Answer, Mr. Slater-Booth ..	1183
PROPOSED LIGHTHOUSE ON BURY HEAD—Question, Sir Lawrence Palk; Answer, Sir Charles Adderley ..	1184
SANITARY LAWS—UNFIT HOUSES—Question, Sir Lawrence Palk; Answer, Mr. Slater-Booth ..	1184
THE EXPEDITION FROM BURMAH TO CHINA—MURDER OF MR. MARGARY—Question, Mr. W. C. Cartwright; Answer, Lord George Hamilton ..	1185

PRIVILEGE—DR. KENEALY—REFLECTIONS ON A MEMBER OF THIS HOUSE—Question, Observations, Dr. Kenealy; Reply, Mr. Evelyn Ashley .. 1185
Moved, "That this House do now adjourn,"—(*Mr. Lowe*;)—After short debate, Motion, by leave, *withdrawn*.

Moved, "That this House, having heard the statement of the honourable Member for Stoke and the explanation of the honourable Member for Poole, do now proceed to the Orders of the Day,"—(*Mr. Disraeli*.)

Amendment proposed, to insert, after the word "Stoke," the words "upon a question of Privilege,"—(*Mr. Roebuck*.)

Question proposed, "That those words be there inserted :"—Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to*.

Regimental Exchanges Bill [Bill 3]—

Order for Committee read :—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Gathorne Hardy*) 1204

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that Regimental Exchanges may be properly allowed under official control; but that any legislation permitting a public officer to pay a sum

TABLE OF CONTENTS.

[*March 4.*]

Page

Regimental Exchanges Bill—continued.

of money, by way of profit or bonus to another officer in respect of a bargain for the exchange of their offices would be injurious to the public service,"—(*Mr. Goschen*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House *divided*; Ayes 282, Noes 186; Majority 96.

Division List, Ayes and Noes 1269

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*:—Bill *considered* in Committee.

On Question, "That the Preamble be postponed?"—*Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*The Marquess of Hartington*):—Question put:—The Committee *divided*; Ayes 159, Noes 267; Majority 108.

Moved, "That the Chairman do now leave the Chair,"—(*Mr. Macdonald*). After short debate, Motion, by leave, *withdrawn*:—Committee report Progress; to sit again upon *Monday* next.

JOHN MITCHEL—ADDRESS FOR PAPERS—

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the following Documents:

"1. The Warrant or Order under which Mr. Mitchel was sent from Bermuda to the Cape of Good Hope;

"2. The Despatches from or to the Governor of that Colony in respect of that Colony refusing permission to the Government to land convicts there;

"3. The Warrant or Order under which Mr. Mitchel was sent to Van Diemen's Land; and,

"4. The Warrant or Order under which he was held in custody there,"—(*Mr. Meldon*) 1273

After short debate, Question put:—The House *divided*; Ayes 46, Noes 171; Majority 125.

ACTS OF PARLIAMENT—

Select Committee *appointed*, "to consider whether any and what means can be adopted to improve the manner and language of current Legislation; and to report their opinion thereon to the House,"—(*Mr. Attorney General*).

And, on March 16, Committee *nominated*:—List of the Committee .. 1276

Dover Pier and Harbour Bill—

Moved, "That leave be given to bring in a Bill to authorise the construction of additional Piers and works at Dover; to amend the constitution of the Dover Harbour Board; and for other purposes,"—(*Sir Charles Adderley*) .. 1276

Moved, "That the Debate be now adjourned:"—Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Bill ordered (*Sir Charles Adderley*, *Mr. Cavendish Bentinck*, *Mr. William Henry Smith*); *presented*, and read the first time [Bill 84.]

Convention (Ireland) Act Repeal Bill—Ordered (*Mr. P. J. Smyth*, *Mr. Downing*, *Mr. Ronayne*, *Mr. Richard Power*, *Mr. O'Gorman*, *Mr. O'Clery*); *presented*, and read the first time [Bill 85] .. 1276

LORDS, FRIDAY, MARCH 5.

THE THEATRES — THE LORD CHAMBERLAIN'S JURISDICTION — Question, Observations, The Duke of St. Albans; Reply, The Lord Chamberlain:—Debate thereon .. 1277

THE ECCLESIASTICAL COMMISSIONERS — THE 26TH REPORT — Question, Earl Powis; Answer, Earl Beauchamp .. 1283
Address for Correspondence as to printing the Report of the Ecclesiastical Commissioners for England, *agreed to*.

TABLE OF CONTENTS.

COMMONS, FRIDAY, MARCH 5.

	<i>Page</i>
SUPREME COURT OF JUDICATURE ACT, 1873—THE COURT OF ULTIMATE APPEAL—Notice of Motion, Mr. Spencer Walpole	1284
PUBLIC HEALTH — MIDWIFERY PRACTICE — CASE OF ELIZABETH INGRAM—Question, Mr. James; Answer, Mr. Selater-Booth	1284
CUSTOMS DUTIES (IRELAND) — BANK NOTES — Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer	1285
POLLUTION OF RIVERS BILL (SCOTLAND)—Question, Mr. Dalrymple; Answer, Mr. Assheton Cross	1285
FRIENDLY SOCIETIES BILL—Question, Mr. Salt; Answer, The Chancellor of the Exchequer	1286
CLOSE-TIME FOR SEAL FISHERY — INTERNATIONAL AGREEMENT — Question, Mr. W. E. Price; Answer, Sir Charles Adderley	1286
CRIMINAL LAW—THE RECENT JEWEL ROBBERIES—Question, Mr. Walsh; Answer, Mr. Assheton Cross	1287
ASSIZE COURT ARRANGEMENTS — SALE OF STAMPS — Question, Mr. Morgan Lloyd; Answer, The Chancellor of the Exchequer	1287
SHANNON DRAINAGE ACT, 1874—Question, Captain Nolan; Answer, Sir Michael Hicks-Beach	1288
REGIMENTAL EXCHANGES BILL — Question, Observations, The Marquess of Hartington; Reply, Mr. Disraeli	1288
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—	
PRIMARY EDUCATION (IRELAND) COMMISSION, 1870—RESOLUTION—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in order to make Primary Education in Ireland efficient, it is essential to provide well-trained teachers, fitting school buildings and teachers' residences, and adequate remuneration for the teachers; and that these objects can be best attained by supplementing the present system of training teachers by the establishment of non-vested training schools which might receive grants for teachers efficiently trained; by a contribution out of local rates to the erection and maintenance of schoolhouses and residences under local management, such contributions to be supplemented by grants; by continuing and extending the present system of payments for results; by requiring local contributions from rates or otherwise (a free residence to be considered as equivalent to local aid to the amount of its fair value); and by assisting teachers to obtain deferred annuities,"—(Mr. O'Reilly),—instead thereof	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Amendment, by leave, <i>withdrawn</i> .	1289
THE METROPOLIS VALUATION ACT, 1869—QUESTIONS TO RATEPAYERS—	
Question, Observations, Mr. Goldsmid; Reply, The Chancellor of the Exchequer :—Short debate thereon	1341
METROPOLITAN WATER SUPPLY—Question, Observations, Sir Charles W. Dilke; Reply, Mr. Selater-Booth	1347
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> .	
SUPPLY—considered in Committee—NAVY—SUPPLEMENTARY ESTIMATES, 1874-5, AND EXCESS ESTIMATES, 1873-4—THE ARCTIC EXPEDITION—	
(In the Committee.)	
(1.) £98,620, (Supplementary 1874-5), on account of the Arctic Expedition.—After short debate, Vote <i>agreed to</i>	1349
(2.) £3,000, (Supplementary 1874-5), Steam Machinery, &c., Breaking-up Ships.	
(3.) £9,000, (Supplementary 1874-5), Navy, Miscellaneous Services.	
(4.) £240,299 1s. 5d. (Supplementary (1873-4), Excess of Naval Expenditure.—After short debate, Vote <i>agreed to</i>	1358

TABLE OF CONTENTS.

[March 5.]

Page

SUPPLY—SUPPLEMENTARY ESTIMATES—Committee—continued.

EXCESS ESTIMATES, 1873-4—CIVIL SERVICE AND REVENUE DEPARTMENTS—

- (5.) £50,702 9s. 8d., Excesses on Grants for Civil Services for 1873-4: viz.
[Then the several items set forth.]
(6.) £146,365 10s. 3d., Excesses on certain Grants for Revenue Departments for 1873-4.

SUPPLEMENTARY ESTIMATES, 1874-5 — CIVIL SERVICE AND REVENUE DEPARTMENTS—ASHANTEE EXPEDITION—POST OFFICE—

- (7.) £2,000 (Supplementary 1874-5), Furniture in Public Departments.
(8.) £5,500 (Supplementary 1874-5), Survey of the United Kingdom, &c.
(9.) £750 (Supplementary 1874-5), for the Wellington Monument.—After short debate, *Vote agreed to* .. 1360
(10.) £4,000 (Supplementary 1874-5), for British Embassy Houses, &c., China, Japan, and other places.—After short debate, *Vote agreed to* .. 1361
(11.) £3,000 (1874-5), for additional accommodation at Marlborough House.
(12.) £600 (Supplementary 1874-5), Home Department.
(13.) £1,250 (Supplementary 1874-5), Colonial Office.
(14.) £3,108 (Supplementary 1874-5), Charity Commission.
(15.) £1,100 (Supplementary 1874-5), Exchequer and Audit Department.
(16.) £25,000 (Supplementary 1874-5), Stationery and Printing.—After short debate, *Vote agreed to* .. 1361
(17.) £962 (Supplementary 1874-5), Register Office General, Scotland.
(18.) £375 (Supplementary 1874-5), Offices of Chief Secretary for Ireland.
(19.) £1,604 (Supplementary 1874-5), Local Government Board, Ireland.—After short debate, *Vote agreed to* .. 1362
(20.) £150 (Supplementary 1874-5), Public Record Office, Ireland, and Keeper of State Papers, Dublin.
(21.) £830 (Supplementary 1874-5), Office of Public Works, Ireland.
(22.) £540 (Supplementary 1874-5), Register Office General, Ireland.
(23.) £15,887 (1874-5), General Survey and Valuation of Ireland.—After short debate, *Vote agreed to* .. 1363
(24.) £10,000 (Supplementary 1874-5), Law Charges.—After short debate, *Vote agreed to* .. 1363
(25.) £1,540 (Supplementary 1874-5), London Bankruptcy Court.
(26.) £210 (Supplementary 1874-5), Miscellaneous Legal Charges, England.
(27.) £957 (Supplementary 1874-5), Court of Bankruptcy, Ireland.
(28.) £365 (Supplementary 1874-5), Registry of Deeds, Ireland.
(29.) £1,547 (Supplementary 1874-5), County Prisons and Reformatories, Ireland.—After short debate, *Vote agreed to* .. 1364
(30.) £150 (Supplementary 1874-5), Dundrum Criminal Lunatic Asylum, Ireland.
(31.) £750 (Supplementary 1874-5), Miscellaneous Legal Charges, Ireland.
(32.) £296 (Supplementary 1874-5), National Portrait Gallery.
(33.) £1,547 (Supplementary 1874-5), Learned Societies and Scientific Investigation.
(34.) £18,700 (Supplementary 1874-5), Public Education, Ireland.
(35.) £100 (Supplementary 1874-5), National Gallery of Ireland.
(36.) Motion made, and Question proposed, "That a Supplementary sum, not exceeding £223, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Queen's University in Ireland .. 1364
Motion made, and Question, "That the Item of £120, for Medals and Prizes, be omitted from the proposed Vote,"—(*Mr. Sullivan*),—put, and *negatived*.
Original Question put, and *agreed to*.
(37.) £2,000 (Supplementary 1874-5), Diplomatic Services.—After short debate, *Vote agreed to* .. 1364
(38.) £3,186 (Supplementary 1874-5), Grants in Aid of Expeditions in certain Colonies.
(39.) Motion made, and Question proposed, "That a Supplementary sum, not exceeding £18,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for Tonnage Duties, Bounties on Slaves, and Expenses of the Liberated African Department" .. 1365
Motion made, and Question proposed, "That the Item of £12,000, for Compensation for Destruction of Dhows by Her Majesty's ship 'Thetis,' be omitted from the proposed Vote,"—(*Mr. Anderson* :)—After short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
(40.) £2,760 (Supplementary 1874-5), Temporary Commissions.
(41.) £2,830 (Supplementary, 1874-5), Miscellaneous Expenses.—After short debate, *Vote agreed to* .. 1366
(42.) Motion made, and Question proposed, "That a Supplementary sum, not exceeding £13,247, be granted to Her Majesty, to defray the Charge which will come in

TABLE OF CONTENTS.

[March 5.]

Page

SUPPLY—SUPPLEMENTARY ESTIMATES—Committee—continued.

- course of payment during the year ending on the 31st day of March 1875, for the repayment of certain Miscellaneous Advances to the Civil Contingencies Fund" .. 1366
- Motion made, and Question proposed, "That the Item of £500, for a Gratuity to the Honourable Henry J. L. Wood, Lieutenant 11th Hussars, for bringing the Despatches announcing the fall of Coomassie, be omitted from the proposed Vote,"—*(Sir Charles Dilke:)*—After short debate, Motion, by leave, *withdrawn*.
- Original Question put, and *agreed to*.
- (43.) £33,992 (1874-5), Gratuities and Prize Pay to Officers and Men of the Ashantee Expedition.
- (44.) £4,859 (1874-5), Mediterranean Extension Telegraph Company.
- (45.) £123,620 (Supplementary 1874-5), Post Office Telegraph Service.
- (46.) £25,000 (Supplementary 1874-5), Ashantee Expedition.

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

GENERAL CARRIERS ACT (1830)—NOMINATION OF SELECT COMMITTEE—

- Moved*, "That the Select Committee be composed of 19 Members,"—*(Mr. Jackson)* .. 1367
- After short debate, Motion *agreed to* :—List of the Committee .. 1368

Metropolis Water Supply and Fire Prevention Bill—*Ordered* (Colonel Beresford, Sir Charles Russell, Mr. Forsyth, Mr. Ritchie); *presented*, and read the first time [Bill 86] .. 1368

LORDS, MONDAY, MARCH 8.

THE CLERK OF THE PARLIAMENTS—RESIGNATION OF SIR JOHN GEORGE SHAW LEFEVRE, K.C.B.—Letter of Sir John George Shaw Lefevre, K.C.B., the Clerk of the Parliaments.

Observations, The Lord Chancellor, The Earl Granville .. 1368

Letter received; ordered to lie on the Table; to be entered on the Journals; and to be taken into consideration on *Thursday next*.

Supreme Court of Judicature Act (1873) Amendment Bill (Nos. 10-29)—

- Report of the Amendments .. 1371
- After short debate, Order for receiving the Report of Amendments on the first Thursday after the recess at Easter *discharged*, and Bill (by leave of the House) *withdrawn*.

NAVY—SYSTEM OF TRAINING BOYS—Observations, The Earl of Lauderdale, Lord Elphinstone; Reply, The Earl of Malmesbury .. 1379

SPAIN—RECOGNITION OF THE GOVERNMENT OF MARSHAL SERRANO AND KING ALFONSO—Question, Observations, Earl Granville, Lord Stanley of Alderley; Reply, The Earl of Derby .. 1382

Police Magistrates, Metropolis (Salaries) Bill (No. 31)—

- Moved*, "That the Bill be now read 2^a,"—*(The Earl Beauchamp)* .. 1387
- Motion *agreed to* :—Bill read 2^a accordingly, and committed to a Committee of the Whole House *To-morrow*.

Elementary Education Provisional Order Confirmation (Brighton) Bill [H.L.]—

Presented (The Lord President); read 1^a (No. 32) .. 1387

Pacific Islanders Protection Bill [H.L.]—*Presented* (The Earl of Carnarvon); read 1^a (No. 33) .. 1388

COMMONS, MONDAY, MARCH 8.

BANKRUPTCY LAW (IRELAND)—Question, Mr. Charles Lewis; Answer, The Solicitor General for Ireland .. 1388

POOR LAW—REMOVAL OF A LUNATIC PAUPER—Question, Dr. Lush; Answer, Mr. Sclater-Booth .. 1389

TABLE OF CONTENTS.

[<i>March 8.</i>]	Page
ARMY—RECEIVERS OF REGIMENTAL NECESSARIES—Question, Mr. Naghten ; Answer, Mr. Gathorne Hardy	1389
DOMINION OF CANADA—EMIGRATION OF PAUPER CHILDREN—Question, Mr. Arthur Peel; Answer, Mr. Sclater-Booth	1389
IRISH REPRODUCTIVE LOAN FUND—THE WATERFORD FISHERMEN—Question, Mr. O’Keeffe; Answer, Sir Michael Hicks-Beach	1390
IRISH FISHERIES INSPECTORS’ REPORT, 1874—Question, Mr. O’Clery; Answer, Sir Michael Hicks-Beach	1391
CRIMINAL LAW—COUNTRESS OF DUDLEY’S JEWELS—Question, Mr. Charles Lewis; Answer, Mr. Assheton Cross	1391
METROPOLIS—FOOTWAY, ST. JAMES’S PARK—Question, Sir Charles Russell; Answer, Lord George Hamilton	1392
INDIA—LUCKNOW AND KIRWEE BOOTY—RETURN—Question, Mr. Ryder; Answer, Lord George Hamilton	1393
THE NEW FOREST SHAKERS—ARREST OF MISS WOOD—Question, Mr. Dillwyn; Answer, Mr. Assheton Cross	1393
SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—	
ADMINISTRATION OF JUSTICE (WALES)—MOTION FOR A SELECT COMMITTEE— Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to inquire into the administration of justice in those portions of the Principality of Wales where the Welsh language prevails, and to consider the expediency of appointing official interpreters to attend the Courts there,”—(<i>Mr. Morgan Lloyd</i>),—instead thereof	1394
Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Amendment, by leave, <i>withdrawn</i> .	
ARMY—REDUCTION OF THE LAND FORCES—RESOLUTION— Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, the assurances of friendship from all Foreign Powers mentioned in Her Majesty’s Speech from the Throne, warrant a reduction in the land forces of the British Army,”—(<i>Sir Wilfrid Lawson</i>),—instead thereof	1398
After short debate, Question put, “That the words proposed to be left out stand part of the Question:”—The House <i>divided</i> ; Ayes 224, Noes 61; Majority 163.	
COMMISSIONS IN THE HOUSEHOLD REGIMENTS—RETURN—Observation, Mr. Sandford; Reply, Mr. Gathorne Hardy	1413
Main Question, “That Mr. Speaker do now leave the Chair,” put, and <i>agreed to</i> .	
SUPPLY— <i>considered in Committee</i> —ARMY ESTIMATES— (In the Committee.)	
Departmental Statement of the Secretary of State for War in moving the ARMY ESTIMATES—	
(1.) 129,281 Land Forces, for the Service of the United Kingdom of Great Britain and Ireland at Home and Abroad.—After long debate, Vote <i>agreed to</i>	1413
(2.) £4,543,000, Pay and Allowances, &c., of Land Forces.—After short debate, Vote <i>agreed to</i>	1469
Resolutions to be reported <i>To-morrow</i> ; Committee to sit again upon <i>Wednesday</i> .	
BOSTON ELECTION— <i>Resolved</i> , That an humble Address be presented to Her Majesty for a Commission of Inquiry	1469
[Address set forth.]	
<i>Ordered</i> , That the said Address be communicated to The Lords, and their concurrence desired thereon,—(<i>Mr. Attorney General</i> .)	

TABLE OF CONTENTS.

LORDS, TUESDAY, MARCH 9.

Page

Increase of the Episcopate Bill (No. 8)—

Moved, "That the House do now resolve itself into a Committee,"—(*The Lord Lyttelton*) .. 1470

Amendment *moved*, to leave out from the word ("that") to the end of the Motion, and insert ("the Bill be referred to a Select Committee,")—(*The Lord Houghton*.)

After short debate, on Question, Whether the words proposed to be left out stand part of the Motion?—*Resolved* in the *Affirmative*:—Then the original Motion *agreed to*; House in Committee accordingly.

Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended (No. 35.)

TURKEY—ROUMANIA AND SERVIA—Question, Lord Carlingford; Answer, The Earl of Derby .. 1482

BOSTON ELECTION—

Message from the Commons that they have agreed to the following Address to be presented to Her Majesty (under the provisions of the Act of the sixteenth year of Her present Majesty, chapter fifty-seven,) relating to the Election for the Borough of Boston, to which they desire the concurrence of their Lordships .. 1483

[Address set forth.]

COMMONS, TUESDAY, MARCH 9.

OYSTER BEDS ON THE IRISH COASTS—Question, Mr. O'Sullivan; Answer, Sir Michael Hicks-Beach .. 1484

INDIA—IMPORT DUTIES ON COTTON GOODS—Question, Mr. J. Cross; Answer, Lord George Hamilton .. 1484

MASTER AND SERVANTS ACT—CASE OF LUKE HILLS—Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross .. 1485

NAVY—THE ARCTIC EXPEDITION—Question, Mr. Fortescue Harrison; Answer Mr. Hunt .. 1485

NATIONAL DEBT COMMISSIONERS—ALLEGED DEFICIENCY—Question, Mr. Puleston; Answer, The Chancellor of the Exchequer .. 1486

LOCAL GOVERNMENT—GAS AND WATER WORKS—LEGISLATION—Question, Mr. Colman; Answer, Mr. Selater-Booth .. 1487

POST OFFICE—NIGHT MAIL SERVICE TO BASINGSTOKE, &c.—Question, Dr. Lush; Answer, Lord John Manners .. 1487

POST OFFICE TELEGRAPHS—STATION ON LUNDY ISLAND—Question, Mr. A. P. Vivian; Answer, Lord John Manners .. 1488

FRIENDLY SOCIETIES BILL—FEES TO AUDITORS—Question, Dr. Cameron; Answer, The Chancellor of the Exchequer .. 1488

NEW GUINEA—CORRESPONDENCE—Question, Mr. W. M'Arthur; Answer, Mr. J. Lowther .. 1489

VALUATION RETURNS (METROPOLIS)—Question, Mr. J. Holms; Answer, The Chancellor of the Exchequer .. 1489

JURY LAW AMENDMENT—LEGISLATION—Question, Mr. Norwood; Answer, Mr. Lopes .. 1489

DURHAM CAPITULAR ESTATES—(CUSTOMARY TENANTS)—MOTION FOR A SELECT COMMITTEE—

Moved, "That a Select Committee be appointed to inquire into the nature of the estates and interests and the present position of the Customary Tenants of Lands held lately under the Dean and Chapter of Durham, and now under the Ecclesiastical Commissioners for England, by renewable leases made by the Dean and Chapter, who have transferred their estate and interest in such lands to the Commissioners; and to report the opinion of the Committee as to further legislation thereon,"—(*Mr. Pease*) .. 1489

Amendment proposed, in line 3, to leave out the words "Dean and Chapter of Durham," in order to insert the words "Deans and Chapters,"—(*Mr. Goldney*),—instead thereof.

TABLE OF CONTENTS.

[March 9.]

Page

DURHAM CAPITULAR ESTATES—(CUSTOMARY TENANTS)—MOTION FOR A SELECT COMMITTEE—*continued.*

Question proposed, "That the words 'Dean and Chapter of Durham' stand part of the Question."

After short debate, Amendment, by leave, *withdrawn.*

Main Question put:—The House *divided*; Ayes 120, Noes 137; Majority 17.

EDUCATION DEPARTMENT—NEW CODE, 1875—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that the New Code be amended by the omission of Article 19 D,"—(Mr. Dixon) 1508

After debate, Motion, by leave, *withdrawn.*

CORRUPT PRACTICES AT PARLIAMENTARY ELECTIONS—MOTION FOR A SELECT COMMITTEE—

Moved, "That a Select Committee be appointed to inquire into the operation of 'The Corrupt Practices Prevention Act, 1854,' 'The Parliamentary Elections Act, 1868,' and 'The Corrupt Practices Commissioners Expenses Act, 1869,' and the several Acts by which the same have been respectively continued and amended, and to report whether any and what further measures are necessary for the prevention of Corrupt Practices at Parliamentary Elections,"—(Mr. Attorney General) .. 1525

Amendment proposed,

At the end of the Question, to add the words "and what, if any, improvements may be made in the Law relating to the trial of Election Petitions,"—(Mr. Charles Lewis.)

Question proposed, "That those words be there added:"—After short debate, Amendment, by leave, *withdrawn.*

Amendment proposed, to leave out from the word "report," to the end of the Question, in order to add the words "thereon to the House,"—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added*:—Main Question, as amended, put, and *agreed to*:—Select Committee *appointed.*

And, on March 18, Committee *nominated*:—List of the Committee .. 1528

Foreign Loans Registration Bill [Bill 60]—

Moved, "That the Bill be now read a second time,"—(Mr. Sheridan) .. 1528

Motion *agreed to*:—Bill *committed* to the Select Committee on Loans to Foreign States.

Public Worship Facilities Bill [Bill 22]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March]:—Question again proposed:—Debate *resumed* 1528

After short debate, Amendment, by leave, *withdrawn.*

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Order for Committee of the whole House be discharged, and that the Bill be referred to a Select Committee, with power to report upon the present facilities for providing additional means of worship in parishes, with or without the consent of the incumbent, and also upon the desirability of extending such facilities,"—(Mr. J. G. Talbot,)—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added*:—Main Question, as amended, put, and *agreed to*:—Order for Committee of the whole House *discharged*:—Bill *referred* to a Select Committee.

Superannuation Act (1859) Amendment Bill [Bill 64]—

Moved, "That the Bill be now read the third time,"—(Mr. W. H. Smith) 1532

Motion *agreed to*:—Bill read the third time, and *passed.*

TABLE OF CONTENTS.

<i>[March 9.]</i>	<i>Page</i>
Linen and Yarn Halls (Dublin) Bill — <i>Ordered (Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland)</i>	1532
Training Schools and Ships Bill — <i>Ordered (Captain Pim, Mr. Coope); presented, and read the first time [Bill 89]</i>	1533
Mutiny Bill — <i>Ordered (Mr. Raikes, Mr. Secretary Hardy, The Judge Advocate); presented, and read the first time</i>	1533
Ways and Means — <i>Considered in Committee:—Resolution agreed to; to be reported To-morrow:—Committee to sit again To-morrow</i>	1533

COMMONS, WEDNESDAY, MARCH 10.

Hypothec (Scotland) Bill [Bill 5] — <i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Vans Agnew</i>) ..	1533
<i>Amendment proposed</i> , to leave out the word “now,” and at the end of the Question to add the words “upon this day six months,”—(<i>Mr. Gregory.</i>)	
After long debate, Question put, “That the word ‘now’ stand part of the Question:”—The House <i>divided</i> ; Ayes 138, Noes 156; Majority 18.	
Main Question, as amended, put, and <i>agreed to</i> :—Second Reading <i>put off</i> for six months.	
Division List, Ayes and Noes	1590
Agricultural Labourers Dwellings (Ireland) Bill [Bill 17] — <i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Kavanagh</i>) ..	1592
<i>Moved</i> , “That the Debate be now adjourned,”—(<i>Sir Joseph M’Kenna</i>):— Motion <i>agreed to</i> :—Debate <i>adjourned till Wednesday next</i> .	
Matrimonial Causes and Marriage Law (Ireland) Bill — <i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Gibson</i>) ..	1592
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>committed for Tuesday, 20th April</i> .	
Mutiny Bill — Order for Second Reading read	1593
After short debate, Bill read a second time, and <i>committed for Thursday, 18th March</i> .	
Mercantile Marine Hospital Service Bill — <i>Ordered (Captain Pim, Mr. Wheelhouse); presented, and read the first time [Bill 91]</i>	1593

LORDS, THURSDAY, MARCH 11.

PARLIAMENT—THE EASTER RECESS —Question, Earl Granville; Answer, The Duke of Richmond	1593
THE CLERK OF THE PARLIAMENTS — The letter from Sir John George Shaw Lefevre, K.C.B., tendering his resignation of his Office of Clerk of the Parliaments, <i>considered</i> (according to Order)	1593
<i>Moved</i> , “That this House has received with sincere concern the resignation of Sir John George Shaw Lefevre, K.C.B., of the office of Clerk of the Parliaments on account of recent indisposition and his advancing age, and they think it right to record the just sense which they entertain of the zeal, ability, diligence, and integrity with which the said Sir John George Shaw Lefevre, K.C.B., has executed the important duties of his office during the period of nearly twenty-seven years,”—(<i>The Duke of Richmond</i>)	1594
After short debate, Resolution <i>agreed to nomine dissentiante</i> . Ordered that the Lord Chancellor do communicate this resolution to the said Sir John George Shaw Lefevre, K.C.B.	

TABLE OF CONTENTS.

[*March 11.*]

Page

THE CLERK OF THE PARLIAMENTS—*continued.*

Moved, "That an humble Address be presented to Her Majesty laying before Her Majesty a copy of the letter of the said Sir John George Shaw Lefevre, K.C.B., and likewise of the resolution of this House, and recommending the said Sir John George Shaw Lefevre, K.C.B., to Her Majesty's Royal Grace and Bounty,"—(*The Duke of Richmond*) 1595

Ordered, *nemine dissente.*

Ordered that the said Address be presented to Her Majesty by the Lords with White Staves.

Patents for Inventions Bill (No. 15)—

House in Committee (according to Order) 1595
Amendments made; the Report thereof be received on *Friday* the 19th instant; and Bill to be *printed*, as amended. (No. 36.)

Increase of the Episcopate Bill (Nos. 8-35)—

Report of the Amendments 1602
After short debate, Report *agreed to*.

OWNERS OF LAND, &c. (ENGLAND AND IRELAND)—THE RETURNS—Question, Viscount Halifax; Answer, The Duke of Richmond 1602

COMMONS, THURSDAY, MARCH 11.

METROPOLIS—TOWER OF LONDON—Question, Mr. Ritchie; Answer, Mr. W. H. Smith	1603
ARMY—LONGFORD BARRACKS—Question, Mr. Errington; Answer, Mr. Gathorne Hardy	1603
SUPREME COURT OF JUDICATURE ACT, 1873—MR. WALPOLE'S NOTICE OF RESOLUTION—Question, Mr. Osborne Morgan; Answer, Mr. Spencer Walpole	1603
PASSENGERS ACT, 1865—SURGEONS IN PASSENGER SHIPS—Question, Captain Pim; Answer, Sir Charles Adderley	1604
NAVY—RETIREMENT OF ADMIRALS—ORDER IN COUNCIL, 1870—Question, Mr. Anderson; Answer, Mr. Hunt	1605
NAVY—THE PACIFIC ISLANDS—ALLEGED CONFLICT WITH NATIVES—Question, Mr. Ashley; Answer, Mr. Hunt	1605
NAVY—H.M. SHIPS—CORK MATTRESSES—Question, Captain Pim; Answer, Mr. Hunt	1607
ARMY—AGE OF RECRUITS TO INDIA—Question, Colonel Mure; Answer, Mr. Gathorne Hardy	1607
MERCANTILE MARINE—ST. TUDWALL'S ROAD LIGHTHOUSE—Question, Mr. Holland; Answer, Sir Charles Adderley	1608
MERCHANT SHIPPING ACTS—THE STEAMSHIP "THORNABY"—Questions, Mr. Plimsoll, Mr. Goschen; Answers, Sir Charles Adderley, Mr. Hunt	1608
IRELAND—ROYAL IRISH CONSTABULARY—Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach	1609
MASTER AND SERVANTS ACT—CASE OF LUKE HILLS—Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross	1610
CRIMINAL LAW—EMPLOYMENT OF YOUNG CHILDREN—DANGEROUS EXHIBITIONS—Question, Mr. Wilson; Answer, Mr. Assheton Cross	1611
NAVY—H.M.S. "VOLAGE"—Questions, Mr. Gorst, Mr. Goschen; Answers, Mr. Hunt	1612
PARLIAMENT—THE EASTER REFORMS—BUSINESS OF THE HOUSE—Observations, Mr. Disraeli:—Short debate thereon	1613

TABLE OF CONTENTS.

[<i>March 11.</i>]	<i>Page</i>
SUPPLY—Order for Committee read ; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair :”—	
INCOME TAX—EXEMPTIONS—RESOLUTION—Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, incomes not exceeding £300 per annum should be exempted from the payment of Income Tax,”—(<i>Mr. Sandford</i>),—instead thereof	1615
After short debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House <i>divided</i> ; Ayes 213, Noes 77 ; Majority 136.	
NAVY—OFFICERS OF THE ROYAL MARINES—Observations, Mr. Gorst ; Reply, Mr. Hunt :—Short debate thereon	1617
NAVY—THE “BRITANNIA”—CADET TRAINING SHIP—Observations, Mr. Bass	1627
NAVY—WARRANT OFFICERS—Observations, Captain G. E. Price, Mr. Bruce	1628
NAVY—SWIMMING—Observations, Sir William Fraser ; Reply, Mr. Hunt : —Short debate thereon	1630
Main Question, “That Mr. Speaker do now leave the Chair,” put, and <i>agreed to.</i>	
SUPPLY— <i>considered</i> in Committee—NAVY ESTIMATES— (In the Committee.) Departmental Statement of the First Lord of the Admiralty in moving the NAVY ESTIMATES— (1.) 60,000 Men and Boys, including 14,000 Royal Marines.—After long debate, Vote <i>agreed to</i> (2.) £2,636,162, Wages, Seamen, and Marines. (3.) £2,139 7s. 7d., Greenwich Hospital and School, Excess on Grant for year ended 31st March 1874.	1634
Resolutions to be reported <i>To-morrow</i> ; Committee to sit again <i>To-morrow</i> .	
Epping Forest (<i>re-committed</i>) Bill [Bill 52]— Order for Committee read After short debate, Bill <i>considered</i> in Committee, and <i>reported</i> , without Amendment ; to be read the third time <i>To-morrow</i> .	1678
Ways and Means— <i>Considered</i> in Committee :—Consolidated Fund £2,139 7s. 7d.— £7,000,000 :—Resolutions <i>agreed to</i> ; to be reported <i>To-morrow</i> ; Committee to sit again <i>To-morrow</i>	1679
Public Health (Scotland) Provisional Order Confirmation (No. 1) Bill— <i>Ordered</i> (<i>The Lord Advocate, Sir Henry Selwin-Ibbetson</i>) ; <i>presented</i> , and read the first time [Bill 92]	1679
Public Health (Scotland) Provisional Order Confirmation (No. 2) Bill— <i>Ordered</i> (<i>The Lord Advocate, Sir Henry Selwin-Ibbetson</i>) ; <i>presented</i> , and read the first time [Bill 93]	1679
Foreign Loans Registration (No. 2) Bill— <i>Ordered</i> (<i>Mr. H. B. Sheridan, Mr. Charles Lewis, Mr. M'Lagan</i>) ; <i>presented</i> , and read the first time [Bill 94]	1680

LORDS, FRIDAY, MARCH 12.

Agricultural Holdings (England) Bill— Bill for amending the Law relating to Agricultural Holdings in England, <i>presented</i> (<i>The Lord President</i>) ; after debate, Bill read 1 st	1680
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TABLE OF CONTENTS.

COMMONS, FRIDAY, MARCH 12.

	<i>Page</i>
LUNATIC PAUPERS (ENGLAND)—GRANTS IN AID—Question, Captain Milne	
Home; Answer, The Chancellor of the Exchequer ..	1693
EARLY CLOSING ACT, 1864—TEMPERANCE HOTELS—Question, Mr. Wilson;	
Answer, Mr. Assheton Cross ..	1693
CRIMINAL LAW—CONVICTIONS FOR PICKING STICKS—Question, Mr. Anderson;	
Answer, Mr. Assheton Cross ..	1694
NAVY—PAY OF ENGINEER OFFICERS—Question, Captain Pim; Answer, Mr.	
Hunt ..	1694
ARMY—DIPHTHERIA AT WOOLWICH—Question, Mr. Sherriff; Answer, Mr.	
Gathorne Hardy ..	1694
MERCHANT SHIPPING ACTS AMENDMENT BILL—THE LIABILITY CLAUSE—	
Question, Lord Eslington; Answer, Sir Charles Adderley ..	1696
ARMY—ADJUTANTS OF MILITIA—Question, Mr. Muntz; Answer, Mr. Gathorne	
Hardy ..	1696
FREE LIBRARIES—Question, Mr. Wheelhouse; Answer, Mr. W. H.	
Smith ..	1697
PARLIAMENT — BUSINESS OF THE HOUSE — THE PEACE PRESERVATION (IRE-	
LAND) BILL—Question, The Marquess of Hartington; Answer, Mr.	
Disraeli ..	1697

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

CONSOLIDATION OF THE STATUTES—RESOLUTIONS—Amendment proposed,
To leave out from the word “That” to the end of the Question, in order to add the
words “it is expedient that when any new Act is passed amending or incorporating
any former Acts (other than General Clauses Acts) the new Act and the former
Acts should be reprinted for the House so soon as may be, in such form as to show
what parts of the said Acts respectively are in force,”—(*Mr. Rathbone*),—instead
thereof .. 1698

Question proposed, “That the words proposed to be left out stand
part of the Question:”—After short debate, Amendment, by leave,
withdrawn.

IRELAND—INCIDENCE OF IMPERIAL TAXATION—RESOLUTION—
Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the
words “the complaints which have been made that the Imperial Taxation of the
United Kingdom presses more severely on Ireland than on Great Britain, and
extracts a greater revenue from Ireland in proportion to her actual means, are
worthy of the early consideration of Her Majesty’s Government, with a view to the
adoption of measures for the equitable distribution of the pressure of taxation, so
that each of the Countries constituting the United Kingdom shall contribute to the
Imperial Revenue in proportion to its actual means,”—(*Sir Joseph M’Kenna*),—
instead thereof .. 1703

After debate, Question, “That the words proposed to be left out stand
part of the Question,” put, and *agreed to*.

Main Question proposed, “That Mr. Speaker do now leave the Chair:”—

MARINE INSURANCE—Observations, Mr. T. Brassey; Reply, Sir Charles
Adderley:—Debate thereon .. 1727

THE IRISH STATE PRISONERS—Observations, Mr. O’Connor Power; Reply,
Mr. Assheton Cross:—Debate thereon .. 1759

Motion, “That Mr. Speaker do now leave the Chair,” by leave, *with-*
drawn:—Committee *deferred* till Monday next.

East India Home Government (Pensions) Bill [Bill 74]—

Moved, “That the House do now go into Committee,”—(*Lord George*
Hamilton) .. 1770

Bill *considered* in Committee, and *reported*, without Amendment; to be
read the third time upon Monday next.

VOL. CCXXII. [THIRD SERIES.] [f]

TABLE OF CONTENTS.

[March 12.]

Page

Municipal Elections Bill [Bill 63]—

- Moved*, “That the Bill be now read a second time,”—(*Mr. Dodds*) .. 1770
 Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months,”—(*Mr. Wheelhouse.*)
 Question proposed, “That the word ‘now’ stand part of the Question:”—After short debate, Amendment, by leave, *withdrawn*.
 Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Wednesday* 14th April.

Bishopric of Saint Albans Bill—

- Motion for Leave (*Mr. Asheton Cross*) .. 1772
 After short debate, Motion *agreed to*:—Bill to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans, *ordered* (*Mr. Secretary Cross, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson*); *presented*, and read the first time [Bill 95.]
Marine Mutiny Bill—*Ordered* (*Mr. Raikes, Mr. Hunt, Mr. Algernon Egerton*); *presented*, and read the first time .. 1775
Ways and Means—Resolutions [March 11] *reported*, and *agreed to*:—Bill *ordered* (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*); *presented*, and read the first time .. 1775

LORDS, MONDAY, MARCH 15.

Land Titles and Transfer Bill (No. 27)—

- Amendments *reported* (according to Order) .. 1776
 Amendments made:—Bill to be read 3^d on *Friday* next; and Bill to be *printed*, as amended. (No. 40.)

COMMONS, MONDAY, MARCH 15.

- NAVY—H.M.S. “ALBATROSS”—Question, Captain Price; Answer, Mr. Hunt .. 1799
 JOHN MITCHEL—ADDRESS FOR PAPERS—Questions, Mr. Sullivan; Answers, The Attorney General .. 1800
 ARMY—THE MEDICAL SERVICE—Question, Mr. Lyon Playfair; Answer, Mr. Gathorne Hardy .. 1801
 PARLIAMENTARY AND MUNICIPAL ELECTIONS ACT—THE REGISTER OF ELECTORS—Question, Mr. Cartwright; Answer, Mr. Selater-Booth .. 1801
 MILITIA—EXAMINATIONS FOR COMMISSIONS—Question, Mr. Agg-Gardner; Answer, Mr. Gathorne Hardy .. 1802
 INDIA—AFGHANISTAN—THE OCCUPATION OF HERAT—Question, Sir Percy Burrell; Answer, Lord George Hamilton .. 1803
 PARLIAMENT—PRIVATE BILL LEGISLATION—Question, Mr. Rodwell; Answer, Mr. Selater-Booth .. 1803
 DESTRUCTION OF PEARL FISHING BOATS—H.M.S. “THETIS”—Question, Lord Edmond Fitzmaurice; Answer, Mr. Hunt .. 1804
 THE CAPE COLONY—BOUNDARY AT DELAGOA BAY—Question, Lord Edmond Fitzmaurice; Answer, Mr. Bourke .. 1804
 NAVY—SHIPS OF THE LATE CHIEF CONSTRUCTOR—Question, Captain Pim; Answer, Mr. Hunt .. 1805
 IRELAND—THE LINEN TRADE—CIVIL BILL OFFICERS—Questions, Mr. William Johnston; Answers, Sir Michael Hicks-Beach .. 1805
 POST OFFICE—MAILS BETWEEN LONDON AND SALISBURY—Question, Mr. Ryder; Answer, Lord John Manners .. 1806

TABLE OF CONTENTS.

<i>[March 15.]</i>	<i>Page</i>
SPAIN—SEIZURE OF THE SLOOP “LARK”—Question, Mr. Serjeant Simon ; Answer, Mr. Bourke	1806
PARLIAMENT—BUSINESS OF THE HOUSE—THE EASTER RECESS—Question, Mr. W. E. Forster ; Answer, Mr. Disraeli	1807
NATIONAL EDUCATION (IRELAND)—WORKHOUSE SCHOOLS—NATIONAL TEACHERS—Question, Mr. O’Clery ; Answer, Sir Michael Hicks- Beach	1807
 Regimental Exchanges Bill [Bill 3]—	
Bill <i>considered</i> in Committee [<i>Progress 4th March</i>]	1808
After long time spent therein, Committee report Progress ; to sit again To-morrow, at Two of the clock.	
 East India Home Government (Pensions) Bill [Bill 74]—	
<i>Moved</i> , “That the Bill be now read the third time,”—(<i>Lord George Hamilton</i>)	1852
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “it is inexpedient for Parliament to impose any new charges on the revenues of India until the Select Committee which has been appointed to investigate the Indian home charges has completed its inquiry,”—(<i>Mr. Fawcett</i>),—instead thereof.	
After short debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House <i>divided</i> ; Ayes 138, Noes 72 ; Majority 66.	
Main Question proposed, “That the Bill be now read the third time.”	
<i>Moved</i> , “That the Debate be now adjourned,”—(<i>Mr. Sullivan</i> :)— Question put, and <i>agreed to</i> :—Debate <i>adjourned</i> till Thursday.	
 PARLIAMENT—SITTINGS OF THE HOUSE—RESOLUTION—	
<i>Moved</i> , “That the sitting of the House To-morrow, at Two of the clock, be held subject to the Resolution of the House of the 30th day of April 1869,”—(<i>Mr. Disraeli</i>)	1855
After short debate, Motion <i>agreed to</i> .	
 Lands Clauses Consolidation Acts Amendment Bill—Ordered (<i>Mr. Cawley, Mr. Charles Turner, Mr. Hick, Mr. Torr</i>) ; <i>presented</i> , and read the first time [Bill 96]	
	1856
 Shipowners Liability Bill—Ordered (<i>Captain Pim, Mr. Twells</i>) ; <i>presented</i> , and read the first time [Bill 97]	
	1856
LORDS, TUESDAY, MARCH 16.	
 Pacific Islanders Protection Bill (No. 33)—	
<i>Moved</i> , “That the Bill be now read 2 ^a ,”—(<i>The Earl of Carnarvon</i>)	1857
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly.	
 Increase of the Episcopate Bill (Nos. 8-35)—	
<i>Moved</i> , “That the Bill be now read 3 ^a ,”—(<i>The Lord Lyttelton</i>)	1860
After short debate, Motion <i>agreed to</i> :—Bill read 3 ^a accordingly.	
On Question, That the Bill do pass ?	
Amendment <i>moved</i> , “Until Parliament shall otherwise provide the operation of this Act shall be limited to the erection of new bishoprics at the places following : “ Guildford or Southwark, Diocese of Winchester ; Bodmin or Truro, Diocese of Exeter ; Southwell or Nottingham, Diocese of Lincoln ; Saint Albans, Diocese of Rochester ; Liverpool, Diocese of Chester,”—(<i>The Lord Cottesloe</i>)	1864
After debate, on Question, <i>Resolved</i> in the <i>Negative</i> :—Bill <i>passed</i> , and sent to the Commons.	
 CHURCH PATRONAGE BILL [H.L.]—	
Select Committee <i>nominated</i> :—List of the Committee	1878

TABLE OF CONTENTS.

COMMONS, TUESDAY, MARCH 16.		Page
INDIA—MASSACRE OF MR. MARGARY AT MANWINE—Question, Mr. Wait; Answer, Mr. Disraeli		1878
LOCAL TAXATION—COLLECTION OF RATES—Question, Colonel Brise; Answer, Mr. Slater-Booth		1880
IMPRISONMENT FOR CONTEMPT OF COURT—Question, Mr. Charles Lewis; Answer, Mr. Assheton Cross		1880
CRIMINAL LAW — VIOLENT ASSAULTS — LEGISLATION — Question, Colonel Egerton Leigh; Answer, Mr. Assheton Cross		1881
INDIAN FINANCES—Question, Mr. Onslow; Answer, Lord George Hamilton		1882
BUSINESS OF THE HOUSE—THE MORNING SITTING—		
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Newdegate</i> :)—After short debate, Motion, by leave, <i>withdrawn</i>		1882
Regimental Exchanges Bill [Bill 3]—		
Bill <i>considered</i> in Committee [<i>Progress 15th March</i>]		1889
After long time spent therein, Bill <i>reported</i> , without Amendment; to be read the third time upon <i>Thursday</i> .		
FRIENDLY SOCIETIES BILL—		
Order for going into Committee on this Bill postponed to Monday, the 19th of April,—(<i>Mr. Chancellor of the Exchequer</i>)		1927
Consolidated Fund (£822,661 8s. 11d.) Bill—		
Order for Third Reading read		1927
After short debate, Bill read the third time, and <i>passed</i> . [New Title.]		
And it being now twenty minutes past Six of the clock, the House sus- pended its Sitting.		
The House resumed its Sitting at Nine of the clock.		
CURRENCY—MOTION FOR AN ADDRESS—		
<i>Moved</i> , "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the operation of the Bank Acts of 1844 and 1845,"—(<i>Mr. Anderson</i>)		1928
After debate, Question put:—The House <i>divided</i> ; Ayes 47, Noes 133; Majority 86.		
NEW FOREST—DEER REMOVAL ACT, 1851—MOTION FOR A SELECT COM- MITTEE—		
<i>Moved</i> , that a Select Committee be <i>appointed</i> , "to inquire into and report upon the present condition of affairs in the New Forest, into the operation of 'The Deer Removal Act, 1851,' and particularly into the exercise and effect of the powers of inclosure given by that Act,"—(<i>Lord Henry Scott</i>)		1950
After short debate, Motion <i>agreed to</i> .		
And, on April 22, Committee <i>nominated</i> :—List of the Committee		1951
Metropolis Local Management Acts Amendment Bill [Bill 38]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Boord</i>)		1952
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Sir James Hogg</i> .)		
Question proposed, "That the word 'now' stand part of the Question :" —After short debate, Amendment, by leave, <i>withdrawn</i> :—Main Ques- tion put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> to a Select Committee.		
And, on April 14, Committee <i>nominated</i> :—List of the Committee		1956
Convention (Ireland) Act Repeal Bill [Bill 85]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. P. J. Smyth</i>)		1957
After short debate, Question put:—The House <i>divided</i> ; Ayes 38, Noes 110; Majority 92.		

TABLE OF CONTENTS.

[March 16.]	<i>Page</i>
Tonnage Admeasurement Bill — <i>Considered in Committee</i> :—Resolution <i>agreed to</i> , and reported:—Bill <i>ordered</i> (Captain Pim, Mr. Ritchie); <i>presented</i> , and read the first time [Bill 98]	1961

LORDS, WEDNESDAY, MARCH 17.

Their Lordships met;—And having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, WEDNESDAY, MARCH 17.

Bankruptcy (Scotland) Law Amendment Bill [Bill 7]— <i>Moved</i> , “That the Bill be now read a second time,”—(Mr. Fortescue Harrison)	1962
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and committed for Monday, 5th April.	
Bankers Act Amendment Bill [Bill 10]— <i>Moved</i> , “That the Bill be now read a second time,”—(Mr. Goschen)	1969
Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorised to make and issue notes in England, Scotland, and Ireland respectively,”—(Mr. Stephen Cave,)—instead thereof.	
After long debate, Question, “That the words proposed to be left out stand part of the Question,” put, and <i>negatived</i> . Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> . Select Committee <i>appointed</i> , “to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorised to make and issue notes in England, Scotland, and Ireland respectively.”	
And, on April 13, Committee <i>nominated</i> :—List of the Committee	2030
Open Spaces (Metropolis) Bill [Bill 50]— <i>Moved</i> , “That the Bill be now read a second time,”—(Mr. Whalley)	2030
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow.	
Prisoners on Remand Bill — <i>Ordered</i> (Mr. H. B. Sheridan, Mr. Locke, Mr. Gourley, Mr. Macdonald); <i>presented</i> , and read the first time [Bill 99]	2032

LORDS.

SAT FIRST.

FRIDAY, FEBRUARY 5, 1875.

The Lord Forester, after the Death of his Brother.
The Lord Kesteven, after the Death of his Father.

TUESDAY, FEBRUARY 9.

The Lord Sondes, after the Death of his Father.
The Lord Rossmore, after the Death of his Father.

MONDAY, FEBRUARY 22.

The Lord St. Leonards, after the Death of his Grandfather.

REPRESENTATIVE PEER FOR IRELAND (*Writs and Returns*.)

FRIDAY, FEBRUARY 5.

The Earl of Clonmell, *v.* The Earl Annesley, deceased.

COMMONS.

NEW WRITS ISSUED.

DURING RECESS.

- For *Midhurst*, v. Charles George Perceval, esquire, now Earl of Egmont.
For *Northampton Borough*, v. Charles Gilpin, esquire, deceased.
For *Cambridge County*, v. Lord George Manners, deceased.
For *Wenlock*, v. Right Hon. Cecil Weld Forester, now Lord Forester.
For *Birkenhead*, v. John Laird, esquire, deceased.
For *St. Ives*, v. Edward Gersham Davenport, esquire, deceased.
For *Kent* (Eastern Division), v. Hon. George Watson Milles, now Lord Sondes.
For *Trinity College, Dublin*, v. Right Hon. John Thomas Ball, Lord High Chancellor of Ireland.

FRIDAY, FEBRUARY 5, 1875.

- For *Chatham*, v. Admiral George Elliot, Chiltern Hundreds.
For *Trinity College, Dublin*, v. Hon. David Robert Plunket, Solicitor General for Ireland.

MONDAY, FEBRUARY 8.

- For *Stoke-upon-Trent*, v. George Melly, esquire, Chiltern Hundreds.

TUESDAY, FEBRUARY 9.

- For *Tipperary*, v. Hon. Charles William White, Chiltern Hundreds.

FRIDAY, FEBRUARY 12.

- For *Stroud*, v. Henry Robert Brand, esquire, void Election.

THURSDAY, FEBRUARY 18.

- For *Tipperary*, v. John Mitchel, who has become incapable of being elected or returned as a Member of this House.

THURSDAY, FEBRUARY 25.

- For *St. Ives*, v. Charles Tyringham Praed, esquire, void Election.
For *Norwich*, v. John Walter Huddleston, esquire, one of the Justices of Her Majesty's Court of Common Pleas.

NEW MEMBERS SWORN.

FRIDAY, FEBRUARY 5, 1875.

- Midhurst*—Sir Henry Thurston Holland, baronet.
Cambridge County—Benjamin Bridges Hunter Rodwell, esquire.
Kent (Eastern Division)—Sir Wyndham Knatchbull, baronet.
St. Ives—Charles Tyringham Praed, esquire.
Wenlock—Cecil Theodore Weld Forester, esquire.
Birkenhead—David MacIver, esquire.
Northampton Borough—Charles George Merewether, esquire.

TUESDAY, FEBRUARY 9.

- The College of the Holy Trinity, Dublin*—Edward Gibson, esquire.

FRIDAY, FEBRUARY 12.

- The College of the Holy Trinity, Dublin*—Hon. David Robert Plunket.

THURSDAY, FEBRUARY 18.

- Stoke-upon-Trent*—Edward Vaughan Kenealy, esquire.
Chatham—John Eldon Gorst, esquire.

TUESDAY, FEBRUARY 23.

- Stroud*—Samuel Stephens Marling, esquire.

MONDAY, MARCH 8.

- Norwich*—Jacob Henry Tillett, esquire.
St. Ives—Charles Tyringham Praed, esquire.

THE MINISTRY

OF THE RIGHT HONOURABLE BENJAMIN DISRAELI,
AT THE COMMENCEMENT OF THE SECOND SESSION OF THE 21ST PARLIAMENT,
FEBRUARY 5, 1875.

THE CABINET.

First Lord of the Treasury	Right Hon. BENJAMIN DISRAELI.
Lord Chancellor	Right Hon. Lord CAIRNS.
President of the Council	His Grace the Duke of RICHMOND, K.G.
Lord Privy Seal	Right Hon. Earl of MALMESBURY, G.C.B.
Chancellor of the Exchequer	Right Hon. Sir STAFFORD HENRY NORTHCOTE, Bt.
Secretary of State, Home Department	Right Hon. RICHARD ASSHETON CROSS.
Secretary of State, Foreign Department	Right Hon. Earl of DERBY.
Secretary of State for the Colonies	Right Hon. Earl of CARNARVON.
Secretary of State for War	Right Hon. GATHORNE HARDY,
Secretary of State for India	Most Hon. Marquess of SALISBURY.
First Lord of the Admiralty	Right Hon. GEORGE WARD HUNT.
Postmaster General	Right Hon. Lord JOHN J. R. MANNERS.

NOT IN THE CABINET.

Field Marshal Commanding in Chief	H.R.H. the Duke of CAMBRIDGE, K.G.
Chief Commissioner of Works and Public Buildings	Right Hon. Lord HENRY GEORGE LENNOX.
Chancellor of the Duchy of Lancaster	Right Hon. THOMAS EDWARD TAYLOR.
Vice President of the Committee of Council for Education	Right Hon. Viscount SANDON.
President of the Board of Trade	Right Hon. Sir CHARLES BOWYER ADDERLEY, Bart.
President of the Local Government Board	Right Hon. GEORGE SCLATER-BOOTH.
Lords of the Treasury	Viscount MAHON.
	ROWLAND WINN, Esq.
	Sir JAMES DALRYMPLE HORN ELPHINSTONE, Bt.
Lords of the Admiralty	Admiral Sir ALEXANDER MILNE, G.C.B., Vice Admiral Sir JOHN WALTER TARLETON, K.C.B., Captain Lord GILFORD, and Sir MASSEY LOPES, Bart.
	WILLIAM HART DYKE, Esq.
Joint Secretaries of the Treasury	WILLIAM HENRY SMITH, Esq.
Secretary of the Admiralty	HON. ALGERNON T. FULKE EGBERTON.
Secretary to the Board of Trade	GEORGE CAVENDISH BENTINCK, Esq.
Secretary to the Local Government Board	CLARE SEWELL READ, Esq.,
Under Secretary, Home Department	Sir HENRY SELWIN IBBETSON, Bt.
Under Secretary, Foreign Department	HON. ROBERT BOURKE.
Under Secretary for Colonies	JAMES LOWTHER, Esq.
Under Secretary for War	Earl of PEMBROKE.
Under Secretary for India	Lord GEORGE F. HAMILTON.
Paymaster and Judge Advocate General	Right Hon. STEPHEN CAVE.
Attorney General	Sir RICHARD BAGGALLAY, Knt.
Solicitor General	Sir JOHN HOLKER, Knt.

SCOTLAND.

Lord Advocate	Right Hon. EDWARD STRATHEARN GORDON.
Solicitor General	JOHN MILLAR, Esq.

IRELAND.

Lord Lieutenant	His Grace the Duke of ABERCORN, K.G.
Lord Chancellor	Right Hon. JOHN THOMAS BALL.
Chief Secretary to the Lord Lieutenant	Right Hon. Sir MICHAEL EDWARD HICKS-BEACH, Bt.
Attorney General	Right Hon. HENRY ORMSBY.
Solicitor General	HON. DAVID ROBERT PLUNKET.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl BEAUCHAMP.
Lord Chamberlain	Most Hon. Marquess of HERTFORD.
Master of the Horse	Right Hon. Earl of BRADFORD.
Treasurer of the Household	Right Hon. Earl PERCY.
Comptroller of the Household	Right Hon. Lord HENRY SOMERSET.
Vice Chamberlain of the Household	Viscount BARRINGTON.
Captain of the Corps of Gentlemen at Arms	Most Hon. Marquess of EXETER.
Captain of the Yeomen of the Guard	Right Hon. Lord SKELMERSDALE.
Master of the Buckhounds	Right Hon. Earl of HARDWICKE.
Chief Equerry and Clerk Marshal	LORD ALFRED H. PAGET.
Mistress of the Robes	Her Grace the Duchess of WELLINGTON.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

IN THE SECOND SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

38° VICTORIÆ 1875.

MEM.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness THE PRINCE OF WALES.	JOHN WINSTON Duke of MARLBOROUGH.
His Royal Highness ALFRED ERNEST ALBERT Duke of EDINBURGH.	CHARLES CECIL JOHN Duke of RUTLAND.
His Royal Highness ARTHUR WILLIAM PATRICK ALBERT Duke of CONNAUGHT and STRATHEARN.	WILLIAM ALEXANDER LOUIS STEPHEN Duke of BRANDON. (<i>Duke of Hamilton.</i>)
His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND AND TEVIOTDALE. (<i>King of Hanover.</i>)	WILLIAM JOHN Duke of PORTLAND.
His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE.	WILLIAM DROGO Duke of MANCHESTER.
ARCHIBALD CAMPBELL Archbishop of CANTERBURY.	HENRY PELHAM ALEXANDER Duke of NEWCASTLE.
HUGH MAC CALMONT Lord CAIRNS, <i>Lord Chancellor.</i>	ALGERNON GEORGE Duke of NORTH-UMBERLAND.
WILLIAM Archbishop of YORK.	ARTHUR RICHARD Duke of WELLINGTON.
CHARLES HENRY Duke of RICHMOND, <i>Lord President of the Council.</i>	RICHARD PLANTAGENET CAMPBELL Duke of BUCKINGHAM AND CHANDOS.
JAMES HOWARD Earl of MALMESBURY, <i>Lord Privy Seal.</i>	GEORGE GRANVILLE WILLIAM Duke of SUTHERLAND.
HENRY Duke of NORFOLK, <i>Earl Marshal of England.</i>	HARRY GEORGE Duke of CLEVELAND.
EDWARD ADOLPHUS Duke of SOMERSET.	HUGH LUPUS Duke of WESTMINSTER.
CHARLES HENRY Duke of RICHMOND. (<i>In another Place as Lord President of the Council.</i>)	FRANCIS HUGH GEORGE Marquess of HERTFORD, <i>Lord Chamberlain of the Household.</i>
WILLIAM HENRY Duke of GRAFTON.	JOHN Marquess of WINCHESTER.
HENRY CHARLES FITZROY Duke of BEAUFORT.	JOHN SHOLTO Marquess of QUEENSBERRY. (<i>Elected for Scotland.</i>)
WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS.	GEORGE Marquess of TWEEDDALE. (<i>Elected for Scotland.</i>)
GEORGE GODOLPHIN Duke of LEEDS.	HENRY CHARLES KEITH Marquess of LANSDOWNE.
FRANCIS CHARLES HASTINGS Duke of BEDFORD.	JOHN VILLIERS STUART Marquess TOWNSHEND.
WILLIAM Duke of DEVONSHIRE.	ROBERT ARTHUR TALBOT Marquess of SALISBURY.
	JOHN ALEXANDER Marquess of BATH.
	JAMES Marquess of ABERCORN. (<i>Duke of Abercorn.</i>)
	FRANCIS HUGH GEORGE Marquess of HERTFORD. (<i>In another Place as Lord Chamberlain of the Household.</i>)

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

JOHN PATRICK Marquess of BUTE.	SHOLTO JOHN Earl of MORTON. (<i>Elected for Scotland.</i>)
WILLIAM ALLEYNE Marquess of EXETER.	CLAUDE Earl of STRATHMORE AND KINGHORN. (<i>Elected for Scotland.</i>)
CHARLES Marquess of NORTHAMPTON.	GEORGE Earl of HADDINGTON. (<i>Elected for Scotland.</i>)
JOHN CHARLES Marquess CAMDEN.	THOMAS Earl of LAUDERDALE. (<i>Elected for Scotland.</i>)
HENRY WILLIAM GEORGE Marquess of ANGLESEY.	DAVID GRAHAM DRUMMOND Earl of AIRLIE. (<i>Elected for Scotland.</i>)
WILLIAM HENRY HUGH Marquess of CHOLMONDELEY.	JOHN THORNTON Earl of LEVEN AND MELVILLE. (<i>Elected for Scotland.</i>)
GEORGE WILLIAM FREDERICK Marquess of AILESBUURY.	DUNBAR JAMES Earl of SELKIRK. (<i>Elected for Scotland.</i>)
FREDERICK WILLIAM JOHN Marquess of BRISTOL.	SEWALLIS EDWARD Earl FERRERS.
ARCHIBALD Marquess of AILSA.	WILLIAM WALTER Earl of DARTMOUTH.
GEORGE AUGUSTUS CONSTANTINE Marquess of NORMANBY.	CHARLES Earl of TANKERVILLE.
GEORGE FREDERICK SAMUEL Marquess of RIPON.	HENEAGE Earl of AYLESFORD.
FREDERICK Earl BEAUCHAMP, <i>Lord Steward of the Household.</i>	FRANCIS THOMAS DE GRÉY Earl COWPER.
CHARLES JOHN Earl of SHREWSBURY.	PHILIP HENRY Earl STANHOPE.
EDWARD HENRY Earl of DERBY.	THOMAS AUGUSTUS WOLSTENHOLME Earl of MACCLESFIELD.
FRANCIS THEOPHILUS HENRY Earl of HUNTINGDON.	DOUGLAS BERESFORD MALISE RONALD Earl GRAHAM. (<i>Duke of Montrose.</i>)
GEORGE ROBERT CHARLES Earl of PEMBROKE AND MONTGOMERY.	WILLIAM FREDERICK Earl WALDEGRAVE.
WILLIAM REGINALD Earl of DEVON.	BERTRAM Earl of ASHBURNHAM.
CHARLES JOHN Earl of SUFFOLK AND BERKSHIRE.	CHARLES WYNDHAM Earl of HARRINGTON.
RUDOLPH WILLIAM BASIL Earl of DENBIGH.	ISAAC NEWTON Earl of PORTSMOUTH.
FRANCIS WILLIAM HENRY Earl of WESTMORLAND.	GEORGE GUY Earl BROOKE and Earl of WARWICK.
GEORGE AUGUSTUS FREDERICK ALBEMARLE Earl of LINDSEY.	AUGUSTUS EDWARD Earl of BUCKINGHAMSHIRE.
GEORGE HARRY Earl of STAMFORD AND WARRINGTON.	WILLIAM THOMAS SPENCER Earl FITZWILLIAM.
GEORGE JAMES Earl of WINCHILSEA AND NOTTINGHAM.	DUDLEY FRANCIS Earl of GUILFORD.
GEORGE PHILIP Earl of CHESTERFIELD.	CHARLES PHILIP Earl of HARDWICKE.
JOHN WILLIAM Earl of SANDWICH.	HENRY EDWARD Earl of LICHESTER.
ARTHUR ALGERNON Earl of ESSEX.	REGINALD WINDSOR Earl DE LA WARR.
WILLIAM GEORGE Earl of CARLISLE.	JACOB Earl of RADNOR.
WALTER FRANCIS Earl of DONCASTER. (<i>Duke of Buccleuch and Queensberry.</i>)	JOHN POYNTZ Earl SPENCER.
ANTHONY Earl of SHAFESBURY.	WILLIAM LENNOX Earl BATHURST.
—— Earl of BERKELEY.	ARTHUR WILLS BLUNDELL TRUMBULL SANDYS RODEN Earl of HILLSBOROUGH. (<i>Marquess of Downshire.</i>)
MONTAGU Earl of ABINGDON.	EDWARD HYDE Earl of CLARENDON.
RICHARD GEORGE Earl of SCARBROUGH.	WILLIAM DAVID Earl of MANSFIELD.
GEORGE THOMAS Earl of ALBEMARLE.	WILLIAM Earl of ABERGAVENNY.
GEORGE WILLIAM Earl of COVENTRY.	JOHN JAMES HUGH HENRY Earl STRANGE. (<i>Duke of Atholl.</i>)
VICTOR ALBERT GEORGE Earl of JERSEY.	WILLIAM HENRY Earl of MOUNT EDGECUMBE.
WILLIAM HENRY Earl POULETT.	HUGH Earl FORTESCUE.

ROLL OF THE LORDS

HENRY HOWARD MOLYNEUX Earl of CARNARVON.	GEORGE AUGUSTUS FREDERICK LOUIS Earl HOWE.
GEORGE HENRY Earl CADOGAN.	CHARLES SOMMERS Earl SOMMERS.
JAMES HOWARD Earl of MALMESBURY. (<i>In another Place as Lord Privy Seal.</i>)	JOHN EDWARD CORNWALLIS Earl of STRADBROKE.
JOHN VANSITTART DANVERS Earl of LANESBOROUGH. (<i>Elected for Ireland.</i>)	GEORGE HENRY ROBERT CHARLES WILLIAM Earl VANE. (<i>Marquess of Londonderry.</i>)
STEPHEN Earl of MOUNT CASHELL. (<i>Elected for Ireland.</i>)	WILLIAM PITT Earl AMHERST.
HENRY JOHN REUBEN Earl of PORTARLINGTON. (<i>Elected for Ireland.</i>)	JOHN FREDERICK VAUGHAN Earl CAWDOR.
JOHN Earl of ERNE. (<i>Elected for Ireland.</i>)	WILLIAM GEORGE Earl of MUNSTER.
CHARLES FRANCIS ARNOLD Earl of WICKLOW. (<i>Elected for Ireland.</i>)	ROBERT ADAM PHILIPS HALDANE Earl of CAMPERDOWN.
JOHN HENRY REGINALD Earl of CLONMELL. (<i>Elected for Ireland.</i>)	THOMAS GEORGE Earl of LICHFIELD.
GEORGE CHARLES Earl of LUCAN. (<i>Elected for Ireland.</i>)	GEORGE FREDERICK D'ARCY Earl of DURHAM.
SOMERSET RICHARD Earl of BELMORE. (<i>Elected for Ireland.</i>)	GRANVILLE GEORGE Earl GRANVILLE.
FRANCIS Earl of BANDON. (<i>Elected for Ireland.</i>)	HENRY Earl of EFFINGHAM.
FRANCIS ROBERT Earl of ROSSLYN.	HENRY JOHN Earl of DUCIE.
GEORGE GRIMSTON Earl of CRAVEN.	CHARLES ALFRED WORSLEY Earl of YARBOROUGH.
WILLIAM HILLIER Earl of ONSLOW.	JAMES HENRY ROBERT Earl INNES. (<i>Duke of Roxburghe.</i>)
CHARLES Earl of ROMNEY.	THOMAS WILLIAM Earl of LEICESTER.
HENRY THOMAS Earl of CHICHESTER.	WILLIAM Earl of LOVELACE.
THOMAS Earl of WILTON.	LAWRENCE Earl of ZETLAND.
EDWARD JAMES Earl of POWIS.	CHARLES GEORGE Earl of GAINSBOROUGH.
HORATIO Earl NELSON.	FRANCIS CHARLES GRANVILLE Earl of ELLESMERE.
LAWRENCE Earl of ROSSE. (<i>Elected for Ireland.</i>)	GEORGE STEVENS Earl of STRAFFORD.
SYDNEY WILLIAM HERBERT Earl MANVERS.	WILLIAM JOHN Earl of COTTENHAM.
HORATIO Earl of ORFORD.	HENRY RICHARD CHARLES Earl COWLEY.
HENRY Earl GREY.	ARCHIBALD WILLIAM Earl of WINTON. (<i>Earl of Eglintoun.</i>)
HENRY Earl of LONSDALE.	WILLIAM Earl of DUDLEY.
DUDLEY Earl of HARROWBY.	JOHN Earl RUSSELL.
HENRY THYNNE Earl of HAREWOOD.	JOHN Earl of KIMBERLEY.
WILLIAM HUGH Earl of MINTO.	RICHARD Earl of DARTREY.
ALAN FREDERICK Earl CATHCART.	WILLIAM ERNEST Earl of FEVERSHAM.
JAMES WALTER Earl of VERULAM.	FREDERICK TEMPLE Earl of DUFFERIN.
ADELBERT WELLINGTON BROWNLOW Earl BROWNLOW.	JOHN ROBERT Earl SYDNEY.
EDWARD GRANVILLE Earl of SAINT GERMANS.	HENRY THOMAS Earl of RAVENSWORTH.
ALBERT EDMUND Earl of MORLEY.	ROBERT Viscount HEREFORD.
ORLANDO GEORGE CHARLES Earl of BRADFORD.	WILLIAM HENRY Viscount STRATHALLAN. (<i>Elected for Scotland.</i>)
FREDERICK Earl BEAUCHAMP. (<i>In another Place as Lord Steward of the Household.</i>)	HENRY Viscount BOLINGBROKE AND ST. JOHN.
WILLIAM HENRY HARE Earl of BANTRY. (<i>Elected for Ireland.</i>)	EVELYN Viscount FALMOUTH.
JOHN Earl of ELDON.	GEORGE Viscount TORRINGTON.
	CHARLES WILLIAM Viscount LEINSTER. (<i>Duke of Leinster.</i>)
	FRANCIS WHEELER Viscount HOOD.
	MERVYN Viscount POWERSCOURT. (<i>Elected for Ireland.</i>)

SPIRITUAL AND TEMPORAL.

THOMAS Viscount DE VESCI. (*Elected for Ireland.*)

JAMES Viscount LIFFORD. (*Elected for Ireland.*)

EDWARD Viscount BANGOR. (*Elected for Ireland.*)

HAYES Viscount DONERAILE. (*Elected for Ireland.*)

CORNWALLIS Viscount HAWARDEN. (*Elected for Ireland.*)

CARNEGIE ROBERT JOHN Viscount ST. VINCENT.

HENRY Viscount MELVILLE.

WILLIAM WELLS Viscount SIDMOUTH.

GEORGE FREDERICK Viscount TEMPLETOWN. (*Elected for Ireland.*)

JOHN CAMPBELL Viscount GORDON. (*Earl of Aberdeen.*)

EDWARD Viscount EXMOUTH.

JOHN LUKE GEORGE Viscount HUTCHINSON. (*Earl of Donoughmore.*)

RICHARD SOMERSET Viscount CLANCARTY. (*Earl of Clancarty.*)

WELLINGTON HENRY Viscount COMBERMERE.

JOHN HENRY THOMAS Viscount CANTERBURY.

ROWLAND CLEGG Viscount HILL.

CHARLES STEWART Viscount HARDINGE.

GEORGE STEPHENS Viscount GOUGH.

STRATFORD Viscount STRATFORD DE REDCLIFFE.

CHARLES Viscount EVERSLEY.

CHARLES Viscount HALIFAX.

ALEXANDER NELSON Viscount BRIDPORT.

EDWARD BERKELEY Viscount PORTMAN.

EDWARD Viscount CARDWELL.

JOHN Bishop of LONDON.

CHARLES Bishop of DURHAM.

EDWARD HAROLD Bishop of WINCHESTER.

ALFRED Bishop of LLANDAFF.

ROBERT Bishop of RIPON.

JOHN THOMAS Bishop of NORWICH.

JAMES COLQUHOUN Bishop of BANGOR.

HENRY Bishop of WORCESTER.

CHARLES JOHN Bishop of GLOUCESTER AND BRISTOL.

WILLIAM Bishop of CHESTER.

THOMAS LEIGH Bishop of ROCHESTER.

GEORGE AUGUSTUS Bishop of LICHFIELD.

JAMES Bishop of HEREFORD.

WILLIAM CONNOR Bishop of PETERBOROUGH.

CHRISTOPHER Bishop of LINCOLN.

GEORGE Bishop of SALISBURY.

FREDERICK Bishop of EXETER.

HARVEY Bishop of CARLISLE.

ARTHUR CHARLES Bishop of BATH AND WELLS.

JOHN FIELDER Bishop of OXFORD.

JAMES Bishop of MANCHESTER.

RICHARD Bishop of CHICHESTER.

JOSHUA Bishop of ST. ASAPH.

JAMES RUSSELL Bishop of ELY.

DUDLEY CHARLES Lord DE ROS.

BERNARD EDWARD DELAVAL Lord HASTINGS.

EDWARD SOUTHWELL Lord DE CLIFFORD.

THOMAS CROSBY WILLIAM Lord DACRE.

CHARLES HENRY ROLLE Lord CLINTON.

ROBERT NATHANIEL CECIL GEORGE Lord ZOUCHE OF HARYNGWORTH.

CHARLES EDWARD HASTINGS Lord BOTREAUX. (*Earl of Loudoun.*)

THOMAS Lord CAMOYS.

HENRY Lord BEAUMONT.

ALFRED JOSEPH Lord STOURTON.

HENRY Lord WILLOUGHBY DE BROKE.

SACKVILLE GEORGE Lord CONYERS.

GEORGE Lord VAUX OF HARROWDEN.

RALPH GORDON Lord WENTWORTH.

ROBERT GEORGE Lord WINDSOR.

ST. ANDREW Lord ST. JOHN OF BLETSO.

FREDERICK GEORGE Lord HOWARD DE WALDEN.

WILLIAM BERNARD Lord PETRE.

FREDERICK BENJAMIN Lord SAYE AND SELE.

JOHN FRANCIS Lord ARUNDELL OF WARDOUR.

JOHN STUART Lord CLIFTON. (*Earl of Darnley.*)

JOHN BAPTIST JOSEPH Lord DORMER.

GEORGE HENRY Lord TEYNHAM.

HENRY VALENTINE Lord STAFFORD.

GEORGE FREDERICK WILLIAM Lord BYRON.

CHARLES HUGH Lord CLIFFORD OF CHUDLEIGH.

HORACE COURTENAY Lord FORBES. (*Elected for Scotland.*)

ALEXANDER Lord SALTOUN. (*Elected for Scotland.*)

ROLL OF THE LORDS

JAMES LORD SINCLAIR. (<i>Elected for Scotland.</i>)	HENRY GEORGE LORD MENDIP. (<i>Viscount Clifden.</i>)
WILLIAM BULLER FULLERTON LORD ELPHINSTONE. (<i>Elected for Scotland.</i>)	GEORGE LORD STUART OF CASTLE STUART. (<i>Earl of Moray.</i>)
CHARLES LORD BLANTYRE. (<i>Elected for Scotland.</i>)	ALAN PLANTAGENET LORD STEWART OF GARLIES. (<i>Earl of Galloway.</i>)
CHARLES JOHN LORD COLVILLE OF CULROSS. (<i>Elected for Scotland.</i>)	JAMES GEORGE HENRY LORD SALTERSFORD. (<i>Earl of Courtown.</i>)
RICHARD EDMUND SAINT LAWRENCE LORD BOYLE. (<i>Earl of Cork and Orrery.</i>)	WILLIAM LORD BRODRICK. (<i>Viscount Midleton.</i>)
GEORGE LORD HAY. (<i>Earl of Kinnoul.</i>)	FREDERICK HENRY WILLIAM LORD CALTHORPE.
HENRY LORD MIDDLETON.	PETER ROBERT LORD GWYDIR.
WILLIAM JOHN LORD MONSON.	CHARLES ROBERT LORD CARRINGTON.
JOHN GEORGE BRABAZON LORD PONSONBY. (<i>Earl of Bessborough.</i>)	WILLIAM HENRY LORD BOLTON.
GEORGE JOHN LORD SONDES.	GEORGE LORD NORTHWICK.
ALFRED NATHANIEL HOLDEN LORD SCARSDALE.	THOMAS LYTTLETON LORD LILFORD.
FLORENCE GEORGE HENRY LORD BOSTON.	THOMAS LORD RIBBLESDALE.
GEORGE CHARLES LORD LOVEL AND HOLLAND. (<i>Earl of Egmont.</i>)	EDWARD LORD DUNSANY. (<i>Elected for Ireland.</i>)
AUGUSTUS HENRY LORD VERNON.	THEOBALD FITZ-WALTER LORD DUNBOYNE. (<i>Elected for Ireland.</i>)
EDWARD ST. VINCENT LORD DIGBY.	EDWARD DONOUGH LORD INCHIQVIN. (<i>Elected for Ireland.</i>)
GEORGE DOUGLAS LORD SUNDRIDGE. (<i>Duke of Argyll.</i>)	ROBERT LORD CLONBROCK. (<i>Elected for Ireland.</i>)
EDWARD HENRY JULIUS LORD HAWKE.	CHARLES LORD HEADLEY. (<i>Elected for Ireland.</i>)
HENRY THOMAS LORD FOLEY.	EDWARD HENRY CHURCHILL LORD CROFTON. (<i>Elected for Ireland.</i>)
FRANCIS WILLIAM LORD DINEVOR.	DAYROLLES BLAKENEY LORD VENTRY. (<i>Elected for Ireland.</i>)
THOMAS LORD WALSINGHAM.	HENRY FRANCIS SEYMOUR LORD MOORE. (<i>Marquess of Drogheda.</i>)
WILLIAM LORD BAGOT.	JOHN HENRY WELLINGTON GRAHAM LORD LOFTUS. (<i>Marquess of Ely.</i>)
CHARLES HENRY LORD SOUTHAMPTON.	WILLIAM LORD CARYSFORT. (<i>Earl of Carysfort.</i>)
FLETCHER LORD GRANTLEY.	GEORGE RALPH LORD ABERCROMBY.
GEORGE BRIDGES HARLEY DENNETT LORD RODNEY.	JOHN THOMAS LORD REDESDALE.
WILLIAM GORDON CORNWALLIS LORD ELIOT.	HORACE LORD RIVERS.
WILLIAM LORD BERWICK.	CHARLES EDMUND LORD ELLENBOROUGH.
JAMES HENRY LEGGE LORD SHERBORNE.	AUGUSTUS FREDERICK ARTHUR LORD SANDYS
JOHN HENRY DE LA POER LORD TYRONE. (<i>Marquess of Waterford.</i>)	GEORGE AUGUSTUS FREDERICK CHARLES LORD SHEFFIELD. (<i>Earl of Sheffield.</i>)
HENRY BENTINCK LORD CARLETON. (<i>Earl of Shannon.</i>)	THOMAS AMERICUS LORD ERSKINE.
CHARLES LORD SUFFIELD.	GEORGE JOHN LORD MONT EAGLE. (<i>Marquess of Sligo.</i>)
GUY LORD DORCHESTER.	GEORGE ARTHUR HASTINGS LORD GRANARD. (<i>Earl of Granard.</i>)
LLOYD LORD KENYON.	HUNGERFORD LORD CREWE.
CHARLES CORNWALLIS LORD BRAYBROOKE.	ALAN LEGGE LORD GARDNER.
GEORGE HAMILTON LORD FISHERWICK. (<i>Marquess of Donegal.</i>)	JOHN THOMAS LORD MANNERS.
HENRY HALL LORD GAGE. (<i>Viscount Gage.</i>)	JOHN ADRIAN LOUIS LORD HOPETOUN. (<i>Earl of Hopetoun.</i>)
THOMAS JOHN LORD THURLOW.	
WILLIAM GEORGE LORD AUCKLAND.	
GEORGE WILLIAM LORD LYTTLETON.	

SPIRITUAL AND TEMPORAL.

RICHARD Lord CASTLEMAINE. (<i>Elected for Ireland.</i>)	WILLIAM HENRY Lord KILMARNOCK. (<i>Earl of Erroll.</i>)
CHARLES Lord MELDRUM. (<i>Marquess of Huntly.</i>)	ARTHUR JAMES Lord FINGALL. (<i>Earl of Fingall.</i>)
GEORGE FREDERICK Lord ROSS. (<i>Earl of Glasgow.</i>)	WILLIAM PHILIP Lord SEFTON. (<i>Earl of Sefton.</i>)
WILLIAM WILLOUGHBY Lord GRINSTEAD. (<i>Earl of Enniskillen.</i>)	WILLIAM SYDNEY Lord CLEMENTS. (<i>Earl of Leitrim.</i>)
WILLIAM HALE JOHN CHARLES Lord FOXFORD. (<i>Earl of Limerick.</i>)	GEORGE WILLIAM FOX Lord ROSSIE. (<i>Lord Kinnaird.</i>)
FRANCIS GEORGE Lord CHURCHILL.	THOMAS Lord KENLIS. (<i>Marquess of Headfort.</i>)
GEORGE ROBERT CANNING Lord HARRIS.	WILLIAM Lord CHAWORTH. (<i>Earl of Meath.</i>)
REGINALD CHARLES EDWARD Lord COLCHESTER.	CHARLES ADOLPHUS Lord DUNMORE. (<i>Earl of Dunmore.</i>)
SCHOMBERG HENRY Lord KER. (<i>Marquess of Lothian.</i>)	AUGUSTUS FREDERICK GEORGE WARWICK Lord POLTIMORE.
FRANCIS NATHANIEL Lord MINSTER. (<i>Marquess Conyngham.</i>)	EDWARD MOSTYN Lord MOSTYN.
JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (<i>Marquess of Ormonde.</i>)	HENRY SPENCER Lord TEMPLEMORE.
FRANCIS Lord WEMYSS. (<i>Earl of Wemyss.</i>)	VALENTINE FREDERICK Lord CLONCURRY.
ROBERT Lord CLANBRASSILL. (<i>Earl of Roden.</i>)	JOHN ST. VINCENT Lord DE SAUMAREZ.
WILLIAM LYGON Lord SILCHESTER. (<i>Earl of Longford.</i>)	LUCIUS BENTINCK Lord HUNSDON. (<i>Viscount Falkland.</i>)
CLOTWORTHY JOHN EYRE Lord ORIEL. (<i>Viscount Massereene.</i>)	THOMAS Lord DENMAN.
HUGH Lord DELAMERE.	WILLIAM FREDERICK Lord ABINGER.
GEORGE CECIL WELD Lord FORESTER.	PHILIP Lord DE L'ISLE AND DUDLEY.
JOHN WILLIAM Lord RAYLEIGH.	ALEXANDER HUGH Lord ASHBURTON.
EDRIC FREDERIC Lord GIFFORD.	EDWARD RICHARD Lord HATHERTON.
HUBERT Lord SOMERHILL. (<i>Marquess of Clanricarde.</i>)	GEORGE HENRY CHARLES Lord STRAFORD.
ALEXANDER WILLIAM CRAWFORD Lord WIGAN. (<i>Earl of Crawford and Balcarres.</i>)	ARCHIBALD BRABAZON SPARROW Lord WORLINGHAM. (<i>Earl of Gosford.</i>)
THOMAS GRANVILLE HENRY STUART Lord RANFURLY. (<i>Earl of Ranfurly.</i>)	WILLIAM FREDERICK Lord STRATHEDEN.
GEORGE Lord DE TABLEY.	GEOFFREY DOMINICK AUGUSTUS FREDERICK Lord ORANMORE AND BROWNE. (<i>Elected for Ireland.</i>)
EDWARD MONTAGU STUART GRANVILLE Lord WHARNCLIFFE.	THOMAS ALEXANDER Lord LOVAT.
CHARLES STUART AUBREY Lord TENTERDEN.	WILLIAM BATEMAN Lord BATEMAN.
WILLIAM CONYNGHAM Lord PLUNKET.	JAMES MOLYNEUX Lord CHARLEMONT. (<i>Earl of Charlemont.</i>)
WILLIAM HENRY ASHE Lord HEYTESBURY.	FRANCIS ALEXANDER Lord KINTORE. (<i>Earl of Kintore.</i>)
ARCHIBALD PHILIP Lord ROSEBERRY. (<i>Earl of Rosebery.</i>)	GEORGE PONSONBY Lord LISMORE. (<i>Viscount Lismore.</i>)
RICHARD Lord CLANWILLIAM. (<i>Earl of Clanwilliam.</i>)	DERRICK WARNER WILLIAM Lord ROSSMORE.
EDWARD Lord SKELMERSDALE.	ROBERT SHAPLAND Lord CAREW.
WILLIAM DRAPER MORTIMER Lord WYNFORD.	CHARLES FREDERICK ASHLEY COOPER Lord DE MAULEY.
	ARTHUR Lord WROTTESELEY.
	SUDELEY CHARLES GEORGE TRACY Lord SUDELEY.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

FREDERICK HENRY PAUL Lord METHUEN.	CHARLES STANLEY Lord MONCK. (<i>Viscount Monck.</i>)
HENRY EDWARD JOHN Lord STANLEY OF ALDERLEY.	JOHN MAJOR Lord HARTISMERE. (<i>Lord Henniker.</i>)
WILLIAM HENRY Lord LEIGH.	EDWARD ROBERT LYTTON Lord LYTTON.
BELBY RICHARD Lord WENLOCK.	WILLIAM GEORGE HYLTON Lord HYLTON.
CHARLES Lord LURGAN.	HUGH HENRY Lord STRATHNAIRN.
THOMAS SPRING Lord MONTEAGLE OF BRANDON.	EDWARD GORDON Lord PENRHYN.
JAMES Lord SEATON.	GUSTAVUS RUSSELL Lord BRANCEPETH. (<i>Viscount Boyne.</i>)
EDWARD ARTHUR WELLINGTON Lord KEANE.	HUGH MAC CALMONT Lord CAIRNS. (<i>In another Place as Lord High Chancellor.</i>)
JOHN Lord OXENFOORD. (<i>Earl of Stair.</i>)	JOHN HENRY Lord KESTIVEN.
CHARLES CRESPIGNY Lord VIVIAN.	JOHN Lord ORMATHWAITE.
JOHN Lord CONGLETON.	BROOK WILLIAM Lord FITZWALTER.
DENIS ST. GEORGE Lord DUNSANDLE AND CLANCONAL. (<i>Elected for Ireland.</i>)	WILLIAM Lord O'NEILL.
VICTOR ALEXANDER Lord ELGIN. (<i>Earl of Elgin and Kincardine.</i>)	ROBERT CORNELIS Lord NAPIER.
WILLIAM HENRY FORESTER Lord LONDESBOROUGH.	EDWARD ANTHONY JOHN Lord GORMANSTON. (<i>Viscount Gormanston.</i>)
SAMUEL JONES Lord OVERSTONE.	WILLIAM PAGE Lord HATHERLEY.
CHARLES ROBERT CLAUDE Lord TRURO.	JOHN LAIRD MAIR Lord LAWRENCE.
—— Lord DE FREYNE.	JAMES PLAISTED Lord PENZANCE.
EDWARD BURTENSHAW Lord SAINT LEONARDS.	JOHN Lord DUNNING. (<i>Lord Rollo.</i>)
RICHARD HENRY FITZ-ROY Lord RAGLAN.	JAMES Lord BALINHARD. (<i>Earl of Southesk.</i>)
GILBERT HENRY Lord AVELAND.	WILLIAM Lord HARE. (<i>Earl of Listowel.</i>)
VALENTINE AUGUSTUS Lord KENMARE. (<i>Earl of Kenmare.</i>)	EDWARD GEORGE Lord HOWARD OF GLOSSOP.
RICHARD BICKERTON PEMELL Lord LYONS.	JOHN Lord CASTLETOWN.
EDWARD Lord BELFER.	JOHN EMERICH EDWARD Lord ACTON.
JAMES Lord TALBOT DE MALAHIDE.	THOMAS JAMES Lord ROBERTES.
ROBERT Lord EBURY.	GEORGE GRENFELL Lord WOLVERTON.
JAMES Lord SKENE. (<i>Earl Fife.</i>)	FULKE SOUTHWELL Lord GREVILLE.
WILLIAM GEORGE Lord CHESHAM.	THOMAS Lord O'HAGAN.
FREDERIC Lord CHELMSFORD.	JOHN Lord LISGAR.
JOHN Lord CHURSTON.	WILLIAM ROSE Lord SANDHURST.
JOHN CHARLES Lord STRATHSPEY. (<i>Earl of Seafield.</i>)	JOHN ARTHUR DOUGLAS Lord BLOOMFIELD
HENRY Lord LECONFIELD.	FREDERIC Lord BLACHFORD.
WILLIAM TATTON Lord EGERTON.	FRANCIS Lord ETTRICK. (<i>Lord Napier.</i>)
CHARLES MORGAN ROBINSON Lord TREDGAR.	JOHN Lord HANMER.
FITZPATRICK HENRY Lord LYVEDEN.	ROUNDELL Lord SELBORNE.
WILLIAM Lord BROUGHAM AND VAUX.	GAVIN Lord BREADALBANE. (<i>Earl of Breadalbane.</i>)
RICHARD AUGUSTUS Lord WESTBURY.	JAMES CHARLES HERBERT WELBORE ELLIS Lord SOMERTON. (<i>Earl of Normanton.</i>)
FRANCIS WILLIAM FITZHARDINGE Lord FITZHARDINGE.	ROBERT ALEXANDER SHAFTO Lord WAVENEY.
LUKE GEORGE Lord ANNALY.	HENRY AUSTIN Lord ABERDARE.
RICHARD MONCKTON Lord HOUGHTON.	EDWARD GRANVILLE GEORGE Lord LANERTON.
—— Lord BUCKHURST.	JAMES Lord MONCREIFF.
WILLIAM Lord ROMILLY.	JOHN DUKE Lord COLERIDGE.
THOMAS GEORGE Lord NORTHBROOK.	WILLIAM Lord EMLY.
JAMES Lord BARROGILL. (<i>Earl of Caithness.</i>)	CHICHESTER SAMUEL Lord CARLINGFORD.
THOMAS Lord CLERMONT.	THOMAS FRANCIS Lord COTTESLOE.
JAMES HERBERT GUSTAVUS MEREDYTH Lord MEREDYTH. (<i>Lord Athlumney.</i>)	EDMUND Lord HAMMOND.
WINDHAM THOMAS Lord KENRY. (<i>Earl of Dunraven and Mount-Earl.</i>)	JOHN SOMERSET Lord HAMPTON.
	JOHN Lord WINMARLEIGH.

LIST OF THE COMMONS.

THE NAMES OF MEMBERS

RETURNED TO SERVE IN THE TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, SUMMONED TO MEET AT WESTMINSTER THE FIFTH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AS BY THE SEVERAL RETURNS FILED IN THE OFFICE OF THE CLERK OF THE CROWN IN CHANCERY APPEARS: AMENDED TO THE OPENING OF THE SECOND SESSION ON THE 5TH DAY OF FEBRUARY, 1875.

BEDFORD COUNTY.

Richard Thomas Gilpin,
Francis Bassett.

BEDFORD.
Samuel Whitbread,
Frederick Charles Polhill-
Turner.

BERKS COUNTY.

Richard Benyon,
Robert Loyd-Lindsay,
John Walter.

READING.
Sir Francis Henry Gold-
smid, bt.,
George John Shaw Lefevre.

WINDSOR (NEW).
Robert Richardson Gard-
ner.

WALLINGFORD.
Edward Wells.

ABINGDON.
John Creemer Clarke.

BUCKINGHAM COUNTY.

Rt. hon. Benjamin Disraeli,
Sir Robert Bateson Har-
vey, bt.,
Nathaniel Grace Lambert.

AYLESBURY.
Nathaniel Mayer de Roths-
child,
Samuel George Smith.

BUCKINGHAM.
Egerton Hubbard.

MARLOW (GREAT).
Thomas Owen Wethered.

WYCOMBE (CHEPPING).
Hon. William Henry Pe-
regrine Carington.

CAMBRIDGE COUNTY.

Rt. hon. Henry Bouverie
William Brand,
Hon. Eliot Constantine
Yorke,
Benjamin Bridges Hunter
Rodwell.

CAMBRIDGE (UNIVERSITY).
Rt. hon. Spencer Horatio
Walpole,
Alexander James Beresford
Beresford Hope.

CAMBRIDGE.
Alfred George Marten,
Patrick Boyle Smollett.

EAST CHESHIRE.
William John Legh,
William Cunliffe Brooks.

MID CHESHIRE.
Hon. Wilbraham Egerton,
Egerton Leigh.

WEST CHESHIRE.
Sir Philip de Malpas Grey
Egerton, bt.,
Wilbraham Frederick Tol-
lemache.

MACCLESFIELD.
William Coare Brockle-
hurst,
David Chadwick.

STOCKPORT.
Charles Henry Hopwood,
Frederick Pennington.

BIRKENHEAD.
David MacIver.

CHESTER.
Henry Cecil Raikes,
John George Dodson.

CORNWALL COUNTY.

(*Eastern Division.*)
Sir Colman Rashleigh, bt.,
John Tremayne.

(*Western Division.*)
Sir John Saint Aubyn, bt.,
Arthur Pendarves Vivian.
TRURO.

Sir Frederick Martin Wil-
liams, bt.,
Sir James Macnaghten
Hogg.

PENRYN AND FALMOUTH.
David James Jenkins,
Henry Thomas Cole.

BODMIN.
Hon. Edward Frederic
Leveson-Gower.

LAUNCESTON.
James Henry Deakin.
LISKEARD.

Rt. hon. Edward Horsman.
HELSTON.

Adolphus William Young.
ST. IVES.
Charles Tyringham Praed.

CUMBERLAND COUNTY.

(*Eastern Division.*)
Hon. Charles Wentworth
George Howard,
William Nicholson Hodg-
son.

(*Western Division.*)
Hon. Percy Scawen Wynd-
ham,
Rt. Hon. Jocelyn Francis
Lord Muncaster.

List of

{ COMMONS, 1875 }

Members.

CARLISLE.
Robert Ferguson,
Sir Wilfrid Lawson, bt.
COCKERMOUTH.
Isaac Fletcher.
WHITEHAVEN.
George Augustus Frederick
Cavendish Bentinck.

DERBY COUNTY.
(*North Derbyshire.*)
Lord George Henry Caven-
dish,
Augustus Peter Arkwright.
(*South Derbyshire.*)
Sir Henry Wilmot, bt.,
Thomas William Evans.
(*East Derbyshire.*)
Hon. Francis Egerton,
Francis Arkwright.
DERBY.
Michael Thomas Bass,
Samuel Plimsoll.

DEVON COUNTY.
(*North Devonshire.*)
Rt. hon. Sir Stafford Henry
Northcote, bt.,
Sir Thomas Dyke Acland,
bt.
(*East Devonshire.*)
Sir Lawrence Palk, bt.,
Sir John Henry Kenna-
way, bt.
(*South Devonshire.*)
Sir Lopes Massey Lopes,
bt.,
John Carpenter Garnier.
TIVERTON.
Sir John Heathcoat Amory,
bt.
Rt. hon. William Nathaniel
Massey.

PLYMOUTH.
Edward Bates,
Sampson Samuel Lloyd.
BARNSTAPLE.
Thomas Cave,
Samuel Danks Waddy.
DEVONPORT.
John Henry Puleston,
George Edward Price.
TAVISTOCK.
Lord Arthur John Edward
Russell.
EXETER.
Arthur Mills,
John George Johnson.

DORSET COUNTY.
John Floyer,
Hon. William Henry Berke-
ley Portman,
Henry Gerard Sturt.
WEYMOUTH AND MELCOMBE
REGIS.
Henry Edwards,
Sir Frederick John William
Johnstone, bt.
DORCHESTER.
William Ernest Brymer.
BRIDPORT.
Thomas Alexander Mitchell.
SHAFTESBURY.
Vere Fane Benett Stanford.
WAREHAM.
John Samuel Wanley Saw-
bridge Erle-Drax.
POOLE.
Hon. Anthony Evelyn Mel-
bourne Ashley.

DURHAM COUNTY.
(*Northern Division.*)
Charles Mark Palmer,
Sir George Elliot, bt.
(*Southern Division.*)
Joseph Whitwell Pease,
Frederick Edward Blackett
Beaumont.
DURHAM (CITY).
Farrer Herschell,
Sir Arthur Edward Monck,
bt.
SUNDERLAND.
Edward Temperley Gour-
ley,
Sir Henry Marshman
Havelock, bt.
GATESHEAD.
Walter Henry James.
SHIELDS (SOUTH).
James Cochran Stevenson.
DARLINGTON.
Edmund Backhouse.
HARTLEPOOL.
Thomas Richardson.
STOCKTON.
Joseph Dodds.

ESSEX COUNTY.
(*West Essex.*)
Sir Henry John Selwin Ib-
betson, bt.,
Lord Eustace Henry Brown-
low Gascoyne Cecil.

ESSEX COUNTY—*cont.*
(*East Essex.*)
James Round,
Samuel Brise Ruggles-
Brise.
(*South Essex.*)
Thomas Charles Baring,
William Thomas Makins.
COLCHESTER.
Alexander Learmonth,
Herbert Bulkeley Praed.
MALDON.
George Montagu Warren
Sandford.
HARWICH.
Henry Jervis White Jervis.

GLOUCESTER COUNTY.
(*Eastern Division.*)
Sir Michael Edward Hicks-
Beach, bt.,
John Reginald Yorke.
(*Western Division.*)
Hon. Randall Edward
Sherborne Plunkett,
Robert Nigel Fitzhardinge
Kingscote.
STROUD.
Alfred John Stanton.

TEWKESBURY.
William Edwin Price.
CIRENCESTER.
Allen Alexander Bathurst.
CHELTENHAM.
James Tynte Agg-Gardner.
GLOUCESTER.
William Killigrew Wait,
Charles James Monk.

HEREFORD COUNTY.
Sir Joseph Russell Bailey,
bt.,
Michael Biddulph,
Daniel Peploe Peploe.
HEREFORD.
Evan Pateshall,
George Clive.
LEOMINSTER.
Richard Arkwright.

HERTFORD COUNTY.

Thomas Frederick Halsey,
Abel Smith,
Hon. Henry Frederick
Cowper.

HERTFORD.

Arthur James Balfour.

**HUNTINGDON
COUNTY.**

Edward Fellowes,
Sir Henry Carstairs Pelly,
bt.

HUNTINGDON.

Sir John Burgess Karslake,
knt.

KENT COUNTY.*(Eastern Division.)*

Edward Leigh Pemberton,
Sir Wyndham Knatchbull,
bt.

(West Kent.)

Sir Charles Henry Mills, bt.
John Gilbert Talbot.

(Mid Kent.)

Hon. William Archer (Am-
herst) Viscount Holmes-
dale,

William Hart Dyke.

ROCHESTER.

Philip Wykeham-Martin,
Julian Goldsmid.

MAIDSTONE.

Sir John Lubbock, bt.,
Sir Sydney Hedley Water-
low, bt.

GREENWICH.

Thomas William Boord,
Rt. hon. William Ewart
Gladstone.

CHATHAM.**GRAVESEND.**

Bedford Clapperton Tre-
velyan Pim.

CANTERBURY.

Henry Alexander Monro
Butler-Johnstone,
Lewis Ashurst Majendie.

LANCASTER COUNTY.*(North Lancashire.)*

Hon. Frederick Arthur
Stanley,
Thomas Henry Clifton.

(North-east Lancashire.)

James Maden Holt,
John Pierce Chamberlain
Starkie.

LANCASTER COUNTY—cont.*(South-east Lancashire.)*

Hon. Algernon Fulke Eger-
ton,

Edward Harcastle.

(South-west Lancashire.)

Rt. hon. Richard Assheton
Cross,
Charles Turner.

LIVERPOOL.

Hon. Dudley Francis Stuart
(Ryder) Viscount Sandon,
John Torr,

William Rathbone.

MANCHESTER.

Hugh Birley,
Sir Thomas Bazley, bt.,
William Romaine Callen-
der.

PRESTON.

Edward Hermon,
Sir John Holker, knt.

WIGAN.

Hon. Lord Lindsay,
Thomas Knowles.

BOLTON.

John Hick,
John Kynaston Cross.

BLACKBURN.

Henry Master Feilden,
William Edward Briggs.

OLDHAM.

Frederick Lowten Spinks,
John Morgan Cobbett.

SALFORD.

Charles Edward Cawley,
William Thomas Charley.

CLITHEROE.

Ralph Assheton.

ASHTON-UNDER-LYNE.
Thomas Walton Mellor.

BURY.

Robert Needham Philips.

ROCHDALE.

Thomas Bayley Potter.

WARRINGTON.

Gilbert Greenall.

BURNLEY.

Richard Shaw.

STALEYBRIDGE.

Tom Harrop Sidebottom.

LEICESTER COUNTY.*(Northern Division.)*

Rt. hon. Lord John James
Robert Manners,
Samuel William Clowes.

(Southern Division.)

Albert Pell,
William Unwin Heygate.

LEICESTER.

Peter Alfred Taylor,
Alexander M'Arthur.

LINCOLN COUNTY.*(North Lincolnshire.)*

Sir John Dugdale Astley,
bt.,
Rowland Winn.

(Mid Lincolnshire.)

Henry Chaplin,
Hon. Edward Stanhope.

(South Lincolnshire.)

William Earle Welby,
Edmund Turnor.

GRANTHAM.

Sir Hugh Arthur Henry
Cholmeley, bt.,
Henry Francis Cockayne
Cust.

BOSTON.

William James Ingram,
John Wingfield Malcolm.

STAMFORD.

Rt. hon. Sir John Charles
Dalrymple Hay, bt.

GRIMSBY (GREAT).

John Chapman.

LINCOLN.

Edward Chaplin,
Charles Seely.

MIDDLESEX COUNTY.

Lord George Francis Ha-
milton,
Octavius Edward Coope.

WESTMINSTER.

William Henry Smith,
Sir Charles Russell, bt.

TOWER HAMLETS.

Charles Thompson Ritchie,
Joseph D'Aguilar Samuda.

HACKNEY.

John Holms,
Henry Fawcett.

FINSBURY.

William Torrens M'Cul-
lagh Torrens,
Sir Andrew Lusk, bt.

MARYLEBONE.

William Forsyth,
Sir Thomas Chambers, knt.

CHELSEA.

Sir Charles Wentworth
Dilke, bt.,
William Gordon.

List of

{COMMONS, 1875}

Members.

LONDON (UNIVERSITY).
Rt. hon. Robert Lowe.

LONDON.
William James Richmond
Cotton,
Philip Twells,
Rt. hon. John Gellibrand
Hubbard,
Rt. hon. George Joachim
Goschen.

MONMOUTH COUNTY.
Hon. Lord Henry Richard
Charles Somerset,
Hon. Frederick Courtenay
Morgan.

MONMOUTH.
Thomas Cordes.

NORFOLK COUNTY.
(*West Norfolk.*)
Sir William Bagge, bt.,
George William Pierre-
pont Bentinck.

(*North Norfolk.*)
Sir Edmund Henry Knowles
Lacon, bt.,
Hon. Frederick Walpole.

(*South Norfolk.*)
Clare Sewell Read,
Sir Robert Jacob Buxton, bt.
LYNN REGIS.

Hon. Robert Bourke,
Lord Claud John Hamilton.
NORWICH.

Jeremiah James Colman,
John Walter Huddleston.

NORTHAMPTON
COUNTY.
(*Northern Division.*)

Rt. hon. George Ward
Hunt,
Sackville George Stopford-
Sackville.

(*Southern Division.*)
Sir Rainald Knightley, bt.,
Fairfax William Cart-
wright.

PETERBOROUGH.
Thompson Hankey,
George Hammond Whalley.
NORTHAMPTON.

Pickering Phipps,
Charles George Mere-
wether.

NORTHUMBERLAND
COUNTY.

(*Northern Division.*)
Rt. hon. Henry George
(Percy) Earl Percy,
Matthew White Ridley.

NORTHUMBERLAND COUNTY
—*cont.*

(*Southern Division.*)
Wentworth Blackett Beau-
mont,
Lord Eslington.

MORPETH.
Thomas Burt.

TYNEMOUTH.
Thomas Eustace Smith.

NEWCASTLE-UPON-TYNE.
Joseph Cowen,
Charles Frederick Hamond.

BERWICK-UPON-TWEED.
Sir Dudley Coutts Marjori-
banks, bt.,
David Milne Home.

NOTTINGHAM
COUNTY.

(*Northern Division.*)
Frederick Chatfield Smith;
Hon. George Edmund
Milnes Monckton.

(*Southern Division.*)
Thomas Blackburne Thoro-
ton Hildyard,
George Storer.

NEWARK-UPON-TRENT.
Thomas Earp,
Samuel Boteler Bristowe.

RETFORD (EAST).
Hon. George Edward
Arundell (Monckton-A-
rundell) Viscount Gal-
way,
Francis John Savile Fol-
jambe.

NOTTINGHAM.
William Evelyn Denison,
Saul Isaac.

OXFORD COUNTY.
Rt. hon. Joseph Warner
Henley,
John Sidney North,
William Cornwallis Cart-
wright.

OXFORD (UNIVERSITY).
Rt. hon. Gathorne Hardy,
Rt. hon. John Robert Mow-
bray.

OXFORD (CITY).
Sir William George Gran-
ville Venables Vernon-
Harcourt, knt.,
Alexander William Hall.

WOODSTOCK.
Lord Randolph Henry
Spencer Churchill.
BANBURY.
Bernhard Samuelson.

RUTLAND COUNTY.
Rt. hon. Gerard James Noel,
George Henry Finch.

SALOP COUNTY.
(*Northern Division.*)
John Ralph Ormsby-Gore,
Hon. George Cecil Orlando
(Bridgeman) Viscount
Newport.

(*Southern Division.*)
Rt. hon. Sir Percy Egerton
Herbert,
Edward Corbett.

SHREWSBURY.
Charles Cecil Cotes,
Henry Robertson.

WENLOCK.
Alexander Hargreaves
Brown,
Cecil Theodore Weld
Forester.

LUDLOW.
Hon. George Herbert
Windsor Windsor-Clive.
BRIDGNORTH.
William Henry Foster.

SOMERSET COUNTY.
(*East Somerset.*)
Ralph Shuttleworth Allen,
Richard Bright.

(*Mid Somerset.*)
Richard Horner Paget,
Ralph Neville Grenville.

(*West Somerset.*)
Hon. Arthur Wellington
Alexander Nelson Hood,
Vaughan Hanning Lee.

BATH.
Arthur Divett Hayter,
Nathaniel George Philips
Bousfield.

TAUNTON.
Alexander Charles Bar-
clay,
Sir Henry James, knt.

FROME.
Henry Charles Lopes.

BRISTOL.
Kirkman Daniel Hodgson,
Samuel Morley.

**SOUTHAMPTON
COUNTY.***(Northern Division.)*

Rt. hon. George Selater-Booth,
William Wither Bramston Beach.

(Southern Division.)

Lord Henry John Montagu-Douglas-Scott,
Rt. hon. William Francis Cowper-Temple.

WINCHESTER.

William Barrow Simonds,
Arthur Robert Naghten.

PORTSMOUTH.

Sir James Dalrymple Horn Elphinstone, bt.,

Hon. Thomas Charles Bruce,

LYMINGTON.

Edmund Hegan Kennard.

ANDOVER.

Henry Wellesley.

CHRISTCHURCH.

Sir Henry Drummond Wolf.

PETERSFIELD.

Hon. Sydney Hylton Jolliffe.

SOUTHAMPTON.

Sir Frederick Perkins, knt.,

Rt. hon. Russell Gurney.

STAFFORD COUNTY.*(North Staffordshire.)*

Rt. hon. Sir Charles Bowyer

Adderley, bt.,

Colin Minton Campbell.

(West Staffordshire.)

Alexander Staveley Hill,

Francis Monckton.

(East Staffordshire.)

Samuel Charles Alsopp,

Michael Arthur Bass.

STAFFORD.

Thomas Salt,

Alexander Macdonald.

TAMWORTH.

Rt. hon. Sir Robert Peel, bt.,

Robert William Hanbury.

NEWCASTLE-UNDER-LYME.

Sir Edmund Buckley, bt.,

William Shepherd Allen.

WOLVERHAMPTON.

Rt. hon. Charles Pelham

Villiers,

Thomas Matthias Weguelin.

STOKE-UPON-TRENT.

George Melly,

Robert Heath.

WALSALL.

Charles Forster.

WEDNESBURY.

Alexander Brogden.

LICHFIELD.

Richard Dyott.

SUFFOLK COUNTY.*(Eastern Division.)*

Frederick Brook (Thellus-

son) Lord Rendlesham,

Arthur Philip (Stanhope)

Viscount Mahon.

(Western Division.)

Windsor Parker,

Lord Augustus Henry

Charles Hervey.

IPSWICH.

John Pattison Cobbold,

James Redfoord Bulwer.

BURY ST. EDMUNDS.

Edward Greene,

Lord Francis Hervey.

EYE.

Hon. George William

Viscount Barrington.

SURREY COUNTY.*(East Surrey.)*

James Watney,

William Grantham.

(Mid Surrey.)

Sir Henry William Peek, bt.

Sir Richard Baggallay, knt.

(West Surrey.)

George Cubitt,

Lee Steere.

SOUTHWARK.

John Locke,

Francis Marcus Beresford.

LAMBETH.

Sir James Clarke Lawrence,

bt.,

William McArthur.

GUILDFORD.

Denzil Roberts Onslow.

SUSSEX COUNTY.*(Eastern Division.)*

George Burrow Gregory,

Montagu David Scott.

(Western Division.)

Walter Barttelot Barttelot,

Hon. Charles Henry (Gor-

don Lennox) Earl of

March.

SHOREHAM (NEW).

Sir Percy Burrell, bt.,

Rt. hon. Stephen Cave.

BRIGHTHELMSTONE.

James Lloyd Ashbury,

Charles Cameron Shute.

CHICHESTER.

Lord Henry George Charles

Gordon Lennox.

LEWES.

William Langham Christie.

HORSHAM.

Rt. hon. Sir William Robert

Seymour Vesey Fitzgerald.

MIDHURST.

Sir Henry Thurston Hol-

land, bt.

WARWICK COUNTY.*(Northern Division.)*

Charles Newdigate Newde-

gate,

William Bromley Daven-

port.

(Southern Division.)

Hugh (de Grey Seymour)

Earl of Yarmouth.

Sir John Eardley Eardley

Wilmot.

BIRMINGHAM.

George Dixon,

Philip Henry Muntz,

Rt. hon. John Bright.

WARWICK.

George William John Rep-

ton,

Arthur Wellesley Peel.

COVENTRY.

Henry William Eaton,

Henry Mather Jackson.

**WESTMORELAND
COUNTY.**

Hon. Thomas (Taylour)

Earl of Bective,

Hon. William Lowther.

KENDAL.

John Whitwell.

(WIGHT) ISLE OF.

Alexander Baillie Dundas

Wishart Ross Cochrane.

NEWPORT, ISLE OF WIGHT.

Charles Cavendish Clifford.

WILTS COUNTY.*(Northern Division.)*

George Thomas John Buck-

nall Estcourt,

Sir George Samuel Jen-

kinson, bt.

(Southern Division.)

Lord Henry Frederick

Thynne,

Hon. (William Pleydell

Bouverie) Viscount

Folkestone.

NEW SARUM (SALISBURY).

Granville Richard Ryder,

John Alfred Lush.

CRICKLADE.

Sir Daniel Gooch, bt.,

Ambrose Lethbridge God-

dard.

DEVIZES.
Sir Thomas Bateson, bt.
MARLBOROUGH.
Rt. hon. Lord Ernest Augustus Charles Brudenell-Bruce.
CHIPPENHAM.
Gabriel Goldney.
CALNE.
Lord Edmund Fitzmaurice.
MALMESBURY.
Walter Powell.
WESTBURY.
Abraham Laverton.
WILTON.
Sir Edmund Antrobus, bt.

WORCESTER COUNTY.
(*Eastern Division.*)
Henry Alsopp,
Thomas Eades Walker.
(*Western Division.*)
William Edward Dowdewell,
Frederick Winn Knight.
EVESHAM.
James Bourne.
DROITWICH.
John Corbett.
BEWDLEY.
Charles Harrison.
DUDLEY.
Henry Brinsley Sheridan.
KIDDERMINSTER.
Sir William Augustus Fraser, bt.
WORCESTER.
Alexander Clunes Sherriff,
Thomas Rowley Hill.

YORK COUNTY.
(*North Riding.*)
Rt. hon. William Reginald (Duncombe) Viscount Helmsley,
Frederick Acclom Milbank.
(*East Riding.*)
Christopher Sykes,
William Henry Harrison Broadley.
(*West Riding, Northern Division.*)
Lord Frederick Charles Cavendish,
Sir Matthew Wilson, bt.
(*West Riding, Eastern Division.*)
Christopher Beckett Denison,
Joshua Fielden.
(*West Riding, Southern Division.*)
Walter Thomas William Spencer Stanhope,
Lewis Randal Starkey.

YORK COUNTY—*cont.*
LEEDS.
Robert Meek Carter,
William St. James Wheelhouse,
Robert Tennant.
PONTEFRAC.
Rt. hon. Hugh Culling Eardley Childers,
Samuel Waterhouse.
SCARBOROUGH.
Sir Charles Legard, bt.,
Sir Harcourt Vanden Bempde Johnstone, bt.
SHEFFIELD.
John Arthur Roebuck,
Anthony John Mundella.
BRADFORD.
Rt. hon. William Edward Forster,
Henry William Ripley.
HALIFAX.
John Crossley,
Rt. hon. James Stansfeld.
KNARESBOROUGH.
Basil Thomas Woodd.
MALTON.
Hon. Charles William Wentworth-Fitzwilliam.
RICHMOND.
Hon. John Charles Dundas.
RIPON.
Rt. hon. Frederick Oliver (Robinson) Earl de Grey.
HUDDERSFIELD.
Edward Aldam Leatham.
THIRSK.
Sir William Payne Gallwey, bt.
NORTHALLERTON.
George William Elliot.
WAKEFIELD.
Thomas Kemp Sanderson.
WHITBY.
William Henry Gladstone.
YORK CITY.
George Leeman,
James Lowther.
MIDDLESBOROUGH.
Henry William Ferdinand Bolckow.
DEWSBURY.
John Simon.
KINGSTON-UPON-HULL.
Charles Henry Wilson,
Charles Morgan Norwood.
BARONS OF THE CINQUE PORTS.
DOVER.
Charles Kaye Freshfield,
Alexander George Dickson.

BARONS OF THE CINQUE PORTS—*cont.*
HASTINGS.
Thomas Brassey,
Ughtred James Kay-Shuttleworth.
SANDWICH.
Henry Arthur Brassey,
Rt. hon. Edward Hugessen Knatchbull-Hugessen.
HYTHE.
Sir Edward William Watkin.
RYE.
John Stewart Hardy.

WALES.
ANGLESEA COUNTY.
Richard Davies.
BEAUMARIS.
Morgan Lloyd.

BRECKNOCK COUNTY.
Hon. Godfrey Charles Morgan.
BRECKNOCK.
James Price William Gwynne Holford.

CARDIGAN COUNTY.
Thomas Edward Lloyd.
CARDIGAN, &c.
David Davies.

CARMARTHEN COUNTY.
Hon. (Frederick Archibald Vaughan Campbell) Viscount Emlyn,
John Jones.
CARMARTHEN, &c.
Charles William Nevill.

CARNARVON COUNTY.
Hon. George Sholto Douglas Pennant.
CARNARVON, &c.
William Bulkeley Hughes.

DENBIGH COUNTY.
Sir Watkin Williams Wynn, bt.,
George Osborne Morgan.
DENBIGH, &c.
Watkin Williams.

FLINT COUNTY.
Hon. Lord Richard de Aquila Grosvenor.
FLINT, &c.
Peter Ellis Eyton.

GLAMORGAN COUNTY.
Henry Hussey Vivian,
Christopher Rice Mansel Talbot.

List of

(COMMONS, 1875)

Members.

GLAMORGAN COUNTY—*cont.*
MERTHYR TYDVIL.
Henry Richard,
Richard Fothergill.
CARDIFF, &c.
James Frederick Dudley
Crichton-Stuart.
SWANSEA, &c.
Lewis Llewelyn Dillwyn.
MERIONETH COUNTY.
Samuel Holland.

MONTGOMERY
COUNTY.

Charles Watkin Williams
Wynn.
MONTGOMERY.
Hon. Charles Douglas
Richard Hanbury-Tracy.

PEMBROKE COUNTY.

John Henry Scourfield.
PEMBROKE.
Edward James Reed, C.B.
HAVERFORDWEST.
Hon. William Baron Ken-
sington.

RADNOR COUNTY.

Hon. Arthur Walsh.
NEW RADNOR.
Rt. hon. Spencer Compton
(Cavendish) Marquess of
Hartington.

SCOTLAND.

ABERDEEN.

(*East Aberdeenshire.*)
William Dingwall Fordyce.
(*West Aberdeenshire.*)
William McCombie.

ABERDEEN.

John Farley Leith.
ARGYLE.
John Douglas Sutherland
(Campbell) Marquess
of Lorne.

AYR.

(*North Ayrshire.*)
Roger Montgomerie.
(*South Ayrshire.*)

Claud Alexander.

KILMARNOCK, RENFREW,
&c.

James Fortescue Harrison.
BURGHES OF AYR, &c.

Sir William James Mont-
gomery Cunningham, bt.
BANFF.

Robert William Duff.
BERWICK.

Hon. Robert Baillie-Hamil-
ton.

BUTE.

Charles Dalrymple.

CAITHNESSSHIRE.

Sir John George Tolle-
mache Sinclair, bt.
WICK, KIRKWALL, &c.

John Pender.

CLACKMANNAN AND
KINROSS.

Rt. hon. William Patrick
Adam.

DUMBARTON.

Archibald Orr Ewing.

DUMFRIESSHIRE.

John James Hope-John-
stone.

DUMFRIES, &c.

Ernest Noel.

EDINBURGHSHIRE.

Rt. hon. William Henry
(Montagu Douglas Scott)

Earl of Dalkeith.

EDINBURGH.

Duncan McLaren,

James Cowan.

UNIVERSITIES OF EDIN-
BURGH AND ST. ANDREWS.

Rt. hon. Lyon Playfair.

BURGHES OF LEITH, &c.

Donald Robert Macgregor.

ELGIN AND NAIRN.

Hon. Alexander William
George (Duff) Viscount

Macduff.

BURGHES OF ELGIN, &c.

Mountstuart Elphinstone
Grant Duff.

FALKIRK, &c. BURGHES.

John Ramsay.

FIFE.

Sir Robert Anstruther, bt.

BURGHES OF ST. ANDREWS.

Edward Ellice.

KIRKCALDY, DYSART, &c.

Robert Reid.

FORFAR.

James William Barclay.

TOWN OF DUNDEE.

James Yeaman,

Edward Jenkins.

MONTROSE, &c.

Rt. hon. William Edward
Baxter.

HADDINGTON.

Hon. Francis Wemyss
(Charteris) Lord Elcho.

HADDINGTON BURGHES.

Sir Henry Robert Fer-
guson Davie, bt.

INVERNESS.

Donald Cameron.

INVERNESS, &c.

Charles Fraser Mackintosh.
KINCARDINESHIRE.

Sir George Balfour, K.C.B.
KIRKCUDBRIGHT.

John Maitland.

LANARK.

(*North Lanarkshire.*)

Sir Thomas Edward Cole-
brooke, bt.

(*South Lanarkshire.*)

Sir Windham Charles James
Carmichael - Anstruther;
bt.

GLASGOW.

Charles Cameron,

George Anderson,

Alexander Whitelaw.

UNIVERSITIES OF GLAS-
GOW AND ABERDEEN.

Rt. hon. Edward Strathearn
Gordon.

LINLITHGOW.

Peter McLagan.

ORKNEY AND SHETLAND.

Samuel Laing.

PEEBLES AND SELKIRK.

Sir Graham Graham Mont-
gomery, bt.

PERTH.

Sir William Sterling Max-
well, bt.

TOWN OF PERTH.

Hon. Arthur FitzGerald
Kinnaird.

RENFREWSHIRE.

William Mure.

PAISLEY.

William Holms.

GREENOCK.

James Johnstone Grieve.

ROSS AND CROMARTY.

Alexander Matheson.

ROXBURGH.

Sir George Henry Scott
Douglas, bt.

HAWICK, SELKIRK, &c.

George Otto Trevelyan.

STIRLING.

Sir William Edmonstone,
bt.

STIRLING, &c.

Henry Campbell-Banner-
man.

SUTHERLAND.

Hon. (Cromartie Leveson
Gower) Marquess of
Stafford.

WIGTON.

Robert Vans Agnew.

WIGTON, &c. BURGHES.

Mark John Stewart.

IRELAND.

ANTRIM COUNTY.

James Chaine,

Hon. Edward O'Neill.

BELFAST.

James Porter Corry,

William Johnston.

List of

{COMMONS, 1875}

Members.

LISBURN.
 Sir Richard Wallace, bt.
CARRICKFERGUS.
 Marriott Robert Dalway.
ARMAGH COUNTY.
 Edward Wingfield Verner,
 Maxwell Charles Close.
ARMAGH (CITY).
 John Vance.
CARLOW COUNTY.
 Henry Bruen,
 Arthur Kavanagh.
CARLOW (BOROUGH).
 Henry Owen Lewis.
CAVAN COUNTY.
 Charles Joseph Fay,
 Joseph Gillis Biggar.
CLARE COUNTY.
 Rt. hon. Sir Colman Michael
 O'Loghlen, bt.,
 Rt. hon. Lord Francis
 Conyngham.
ENNIS.
 William Stacpoole.
CORK COUNTY.
 McCarthy Downing,
 William Shaw.
BANDON BRIDGE.
 Alexander Swanston.
YOUGHAL.
 Sir Joseph Neale McKenna,
 knt.
KINSALE.
 Eugene Collins.
MALLOW.
 John George MacCarthy.
CORK (CITY).
 Joseph Philip Ronayne,
 Nicholas Daniel Murphy.
DONEGAL COUNTY.
 Hon. James (Hamilton)
 Marquess of Hamilton,
 Thomas Conolly.
DOWN COUNTY.
 Hon. Lord Arthur Edwin
 Hill-Trevor,
 James Sharman Crawford.
NEWRY.
 William Whitworth.
DOWNPATRICK.
 John Mulholland.
DUBLIN COUNTY.
 Ion Trant Hamilton,
 Rt. hon. Thomas Edward
 Taylor.
DUBLIN (CITY).
 Sir Arthur Edward Guin-
 ness, bt.,
 Maurice Brooks.
DUBLIN UNIVERSITY.
 Edward Gibson.

FERMANAGH.
 William Humphrys Arch-
 dall,
 Hon. Henry Arthur Cole.
ENNISKILLEN.
 Hon. John Henry (Crich-
 ton) Viscount Crichton.
GALWAY COUNTY.
 John Philip Nolan,
 Mitchell Henry.
GALWAY (BOROUGH).
 George Morris,
 Michael Francis Ward.
KERRY.
 Henry Arthur Herbert,
 Rowland Arthur Blenner-
 hassett.
TRALEE.
 Daniel O'Donoghue, (The
 O'Donoghue).
KILDARE.
 Charles Henry Meldon,
 Rt. hon. William Henry
 Ford Cogan.
KILKENNY.
 George Leopold Bryan,
 Patrick Martin.
KILKENNY (CITY).
 Sir John Gray, knt.
KING'S COUNTY.
 Sir Patrick O'Brien, bt.,
 David Sherlock.
LEITRIM COUNTY.
 John Brady,
 William Richard Ormsby-
 Gore.
LIMERICK COUNTY.
 William Henry O'Sullivan,
 Edmund John Synan.
LIMERICK (CITY).
 Isaac Butt,
 Richard O'Shaughnessy.
LONDONDERRY COUNTY.
 Richard Smyth,
 Rt. hon. Hugh Law.
COLERAINE.
 Daniel Taylor.
LONDONDERRY (CITY).
 Charles Edward Lewis.
LONGFORD COUNTY.
 Myles O'Reilly,
 George Errington.
LOUTH COUNTY.
 Alexander Martin Sullivan,
 George Harley Kirk.
DUNDALK.
 Philip Callan.
DROGHEDA.
 William Hagarty O'Leary.
MAYO COUNTY.
 George Ekins Browne,
 John O'Connor Power.

MEATH COUNTY.
 Nicholas Ennis,
 John Martin.
MONAGHAN COUNTY.
 John Leslie,
 Sewallis Evelyn Shirley.
QUEEN'S COUNTY.
 Kenelm Thomas Digby,
 Edmund Dease.
PORTARLINGTON.
 Lionel Seymour William
 Dawson-Damer.
ROSCOMMON COUNTY.
 Charles Owen O'Connor (The
 O'Connor Don),
 Rt. hon. Charles French.
SLIGO COUNTY.
 Sir Robert Gore Booth, bt.,
 Denis Maurice O'Connor.
TIPPERARY COUNTY.
 Hon. Charles William
 White,
 Hon. William Frederick
 Ormonde O'Callaghan.
CLONMEL.
 Arthur John Moore.
TYRONE COUNTY.
 John William Ellison Ma-
 cartney,
 Hon. Henry William Lowry-
 Corry.
DUNGANNON.
 Thomas Alexander Dick-
 son.
WATERFORD COUNTY.
 Lord Charles William De
 la Poer Beresford,
 Sir John Esmonde, bt.
DUNGARVAN.
 John O'Keeffe.
WATERFORD (CITY).
 Richard Power,
 Purcell O'Gorman.
WESTMEATH COUNTY.
 Patrick James Smyth,
 Rt. hon. Lord Robert Mon-
 tagu.
ATHLONE.
 Edward Sheil.
WEXFORD COUNTY.
 Sir George Bowyer, bt.,
 Keyes O'Clery.
WEXFORD (BOROUGH).
 William Archer Redmond.
NEW ROSS.
 John Dunbar.
WICKLOW COUNTY.
 William Richard O'Byrne,
 William Wentworth Fitz-
 william Dick.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 5 FEBRUARY, 1875, IN THE THIRTY-EIGHTH YEAR OF
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, 5th February, 1875.

THE PARLIAMENT, which had been Prorogued successively from the 7th day of August, 1874, to the 23rd day of October; thence to the 16th day of December; thence to the 5th day of February, 1875, met this day for Despatch of Business.

The Session of PARLIAMENT was opened by Commission.

The House of PEERS being met,

THE LORD CHANCELLOR acquainted the House,

“That it not being convenient for Her Majesty to be personally present here this day, She has been pleased to cause a Commission under the Great Seal to be prepared, in order to the holding of this Parliament.”

VOL. CCXXII. [THIRD SERIES.]

Then Five of the Lords Commissioners — namely, The LORD CHANCELLOR, The LORD PRIVY SEAL (The Earl of Malmesbury), The LORD CHAMBERLAIN OF THE HOUSEHOLD (The Marquess of Hertford), The LORD STEWARD OF THE HOUSEHOLD (The Earl Beauchamp), and The LORD SKELMERSDALE (Captain of the Yeoman of the Guard), being in their Robes, and seated on a Form placed between the Throne and the Woolsack, commanded the Yeoman Usher of the Black Rod to let the Commons know “The Lords Commissioners desire their immediate attendance in this House, to hear the Commission read.”

Who being come, with their Speaker; —The Commission was read by the Clerk:—Then

THE QUEEN'S SPEECH.

THE LORD CHANCELLOR delivered HER MAJESTY'S SPEECH to both Houses of Parliament, as follows:—

B

"My Lords, and Gentlemen,

"It is with great satisfaction that I again meet you and resort to the advice and assistance of my Parliament.

"I continue to receive assurances of friendship from all Foreign Powers. The peace of Europe has remained, and I trust will remain, unbroken. To preserve and consolidate it will ever be a main object of my endeavours.

"The Conference held at Brussels on the Laws and Usages of War has concluded its sittings. My Government have carefully examined the reports of its proceedings; but, bearing in mind, on the one hand, the importance of the principles involved, and, on the other, the widely divergent opinions which were there expressed, and the improbability of their being reconciled, I have not thought it right to accede to proposals which have been made for further negotiations on the subject. The correspondence which has passed will be presented to you.

"The Government of Spain, presided over by Marshal Serrano, has ceased to exist, and the Prince of Asturias has been called to the throne under the title of King Alfonso XII. The question of formally recognizing, in concert with other Powers, the newly restored Monarchy, is at this moment before my Government, and its decision will not be long delayed. It is my earnest hope that internal peace may be speedily restored to a great, but unfortunate, country.

"The exertions of my naval and consular servants in the repression of the East African Slave Trade have

not been relaxed, and I confidently trust that they will bring about the complete extinction of a traffic equally repugnant to humanity and injurious to legitimate commerce.

"The differences which had arisen between China and Japan, and which at one time threatened to lead to war between those States, have been happily adjusted. I have learnt with pleasure that the good offices of my Minister at Peking have been largely instrumental in bringing about this result.

"The past year has been one of general prosperity and progress throughout my Colonial Empire.

"On the Gold Coast, a steady advance has been made in the establishment of civil government, peace has been maintained, and I have procured the assent of the protected tribes to the abolition of slavery. Henceforward, I trust, freedom will exist there as in every part of my dominions.

"In Natal, I have found myself under the necessity of reviewing the sentence which had been passed upon a native Chief, and of considering the condition of the tribes, and their relations to the European settlers and my Government. I doubt not that I shall have your concurrence in any measures which it may become my duty to adopt for ensuring a wise and humane system of native administration in that part of South Africa.

"Papers will be laid before you on these several matters.

"The King and Chiefs of Fiji having made a new offer of their Islands unfettered by conditions, I have thought it right to accept the cession of a territory which, inde-

pendently of its large natural resources, offers important maritime advantages to my fleets in the Pacific.

"An ample harvest has restored prosperity to the Provinces of my Eastern Empire which, last year, were visited with famine. By the blessing of Providence my Indian Government has been able entirely to avert the loss of life which I had reason to apprehend from that great calamity.

"Gentlemen of the House of Commons,

"I have directed the Estimates of the year to be prepared and presented to you without delay.

"My Lords, and Gentlemen,

"The condition of the finances is satisfactory. The trade of the country in the past year has somewhat fallen short of that of the year before, but the general prosperity of the people, supported as it has been by an excellent harvest, as well as by the great reductions lately made in taxation, has led to a steady increase in the consumption of all the necessaries of life, and of those articles which contribute to the revenue.

"The various statutes of an exceptional or temporary nature now in force for the preservation of peace in Ireland will be brought to your notice with a view to determine whether some of them may not be dispensed with.

"Several measures which were unavoidably postponed at the end of last Session will be again introduced. Among the most important are those for simplifying the Transfer of Land and completing the reconstruction of the Judicature.

"Bills will be also laid before you for facilitating the Improvement of the Dwellings of the Working Classes in large towns; for the consolidation and amendment of the Sanitary Laws; and for the prevention of the pollution of rivers.

"A measure has been prepared for consolidating and amending the laws relating to Friendly Societies. Its object will be to assist without unnecessarily interfering with the laudable efforts of my people to make provision for themselves against some of the calamities of life.

"A Bill for the amendment of the Merchant Shipping Acts will be laid before you.

"Your attention will be moreover directed to legislation for the better security of my subjects from personal violence, and for more effectually providing for the trial of offences by establishing the office of a Public Prosecutor.

"Although the Report of the Commission issued by me to inquire into the state and working of the law as to offences connected with trade has not yet been made to me, I trust that any legislation on this subject which may be found to be expedient may take place in the present Session.

"You will also be invited to consider a measure for improving the law as to Agricultural Tenancies.

"I commend to your careful consideration these and other measures which may be submitted to you, and I pray that your deliberations may, under the Divine blessing, result in the happiness and contentment of my people."

Then the Commons withdrew.

House adjourned during pleasure,

House resumed.

PRAYERS.

ROLL OF THE LORDS—Garter King of Arms attending, *delivered* at the Table (in the usual manner) a List of the Lords Temporal in the Second Session of the Twenty-first Parliament of the United Kingdom: The same was ordered to lie on the Table.

REPRESENTATIVE PEER FOR IRELAND.

Writs and Returns electing the Earl of Clonmell a Representative Peer for Ireland in the room of the late Earl Annesley, deceased, with the Certificate of the Clerk of the Crown in Ireland annexed thereto, delivered (on oath), and Certificate read.

SAT FIRST.

The Lord Forester, after the death of his Brother.

The Lord Kesteven, after the death of his Father.

TOOK THE OATH.

The Viscount Hutchinson—took the Oath.

SELECT VESTRIES.

Bill, *pro forma*, read 1^a.

THE QUEEN'S SPEECH—

ADDRESS IN ANSWER TO HER MAJESTY'S MOST GRACIOUS SPEECH.

The QUEEN'S SPEECH *reported* by The Lord CHANCELLOR.

THE EARL OF DONOUGHMORE: My Lords, it is with extreme diffidence that I present myself before your Lordships to move that an humble Address be presented to Her Majesty in reply to Her Majesty's Gracious Speech from the Throne. Though deeply sensible of my little fitness to perform so important and so responsible a duty, nevertheless I am encouraged by the recollection that the Members of your Lordships' House have ever been wont in past years to accord an indulgent ear to those who, for the first time, ventured to address them. The full measure of that indulgence I now beg your Lordships to extend to myself, and ask you to look with leniency on my inadequate efforts, and to pardon any inaccuracy of expression that may fall from my lips as spoken in ignorance of the customs of your Lordships' House.

Before proceeding to the discussion of the topics mentioned in the Speech from the Throne, I would endeavour to express the deep regret that must be felt by every one of your Lordships for the cause which has prevented Her Majesty the Queen from carrying out Her gracious intention of opening Parliament in person. That cause has been a source of sorrow to every loyal heart, and we must most devoutly hope, as the latest accounts justify us in doing, that in a short time all reason for Her Majesty's maternal anxiety may have passed away.

It will be a source of satisfaction to your Lordships to understand that Her Majesty's relations with Foreign Powers continue on the same friendly footing as heretofore. Such an assurance is the best guarantee for the safety and interest of our commercial community abroad, and gives the surest promise of prosperity at home; and while our own friendly ties remain unbroken, it is satisfactory to know that the same condition prevails with regard to the other Great Powers. Although it is impossible, perhaps, to persuade ourselves that the great armaments on the Continent are established merely for purposes of defence, still there is at present no cloud on the political horizon, no indication of a coming storm.

Your Lordships are aware that an invitation was issued last year to the Great Powers to assemble in Conference for the discussion of the treatment of prisoners of war. As long as this proposal emanated from a private society, it was not considered a matter in which Her Majesty's Government should interfere: but when the question was taken up by one of the Great Powers, and the area of discussion was enlarged so as to comprehend the laws and usages of modern warfare, it was decided that this country should not be unrepresented. Her Majesty's Government, however, felt it to be their duty—and with great wisdom—to make it a condition of the attendance of our Representative, that no matters relating to International Law or maritime warfare should be introduced for discussion, and our Representative was instructed carefully to abstain from participating in any such debates that might fortuitously arise. It was urged by the promoters of the Conference that the present laws of warfare were not clearly enough defined; and it was their object

that the Great Powers should deliberate upon some fixed and certain military code, which should be an infallible guide to generals in command of armies in the field. Her Majesty's Government have carefully watched the progress of this Conference, and upon subsequent deliberation have arrived at the conclusion that the interest of invaders and invaded are so irreconcilable, and the contingencies that may arise in time of war so various and uncontrollable, that it would be impossible to lay down any fixed rules which would meet with general acquiescence. Holding this opinion, your Lordships will agree that Her Majesty's Government are fully justified in the determination at which they have arrived—to take no further part in any Conference on this subject.

I am sure your Lordships will consider it a matter of congratulation, that the exertions made by Her Majesty's Government for the repression of the Slave Trade on the East Coast of Africa have not been without their fruit. Owing in a great measure to the loyal manner in which the Sultan of Zanzibar has adhered to the terms of the Treaty lately entered into on the subject, the traffic in slaves by sea has greatly diminished, and there is every expectation of a further diminution. And I would further suggest, my Lords, that it is of the greatest importance to our largely increasing trade in the China Seas that the threatened hostilities between that country and Japan have been so fortunately avoided. Had it not been so, there would have been grave apprehension for the safety of our merchant vessels in those waters; and the greatest praise is due to Her Majesty's Representatives at Pekin and Yeddo, to whose exertions this peaceful arrangement may mainly be attributed. Before leaving the subject of Foreign Affairs, there is one more point to which I would desire leave to draw the attention of your Lordships. We have seen, during many months, a great and chivalrous nation, a nation that was our active ally in a time of general European convulsion—with whose name the honour of the British arms will ever be associated, and whose country was the theatre of their exploits—harassed by civil war, torn by factions, and so divided against herself, that all hope for her tranquillity seemed to have passed away.

The English people, cherishing still the sympathies of the earlier years of the century, have waited, though despairingly, and hoped, though against hope, for a brighter day to dawn on the race, whose soldiers had fought by the side of their own. But now, by the suddenly expressed voice of the Spanish Army, the Representative of an ancient House has been called to the Throne; and although a Government founded upon military *pronunciamento* may not be in accordance with the ideas of the lovers of Constitutional Monarchy, yet, for the sake of peace, and the material prosperity of Spain, we may with sincerity pray that wise and impartial counsellors may guide the youthful impulses of the new Sovereign to the accomplishment of a successful issue. The actions and expressions of the King since his arrival in the country afford us every reason to expect such an issue; and I am sure your Lordships will read here with pleasure, that his recognition by the Government of this country is now under consideration.

My Lords, it would be presumptuous in me at this early period to speculate upon the future policy of the Spanish Government. Yet I would submit that we must hail with satisfaction those announcements which have appeared in the daily press, which inform us that liberty of conscience and freedom of religious worship are to be respected. When we consider the evils which have fallen upon Spain, not only in our time, but in days of yore, it would indeed be deplorable if the difficulties of the new Government should be increased by the adoption of re-actionary measures, which would deprive them of the sympathy of all free people, whether in Europe or in America. And I would further suggest, my Lords, that the events which have taken place in Spain from the year 1868 to the present time, have tended greatly to demonstrate the wisdom of that foreign policy which successive Governments of this country have in modern times, and in all cases, endeavoured to practice. Although it has been the care of Her Majesty's Advisers to secure by their influence and co-operation the maintenance of the general peace of Europe, and the faithful performance of international obligations, still they have studiously avoided any direct interference in the

internal affairs of foreign nations. By thus dealing, a wise and prudent principle has been established, which is compatible with a due regard for the honour of this country, and a determination to vindicate that honour should it ever be assailed.

My Lords, in Her Majesty's gracious Speech from the Throne last year your Lordships were informed of the impending famine in Bengal, and the paragraph further stated, that the Viceroy and Governor General had been directed to spare no cost to mitigate this terrible calamity. The noble Marquess who moved the Address in reply, stated it to be our duty to alleviate the sufferings occasioned by that calamity, and I hope your Lordships will permit me to bear my humble testimony to the admirable manner in which that duty has been performed. I need not bring back to your Lordships' recollection the paragraphs in *The Times* newspaper, which notified the subscriptions to the Bengal Famine Fund. These were no less a monument of British charity to the distressed, than an evidence of the goodwill of the English people towards their fellow-subjects in the far East. The distress was greatest in those parts which were most inaccessible to traffic; there was often great difficulty in procuring carriage; and that native apathy, to which the noble Marquess so ably alluded last year, rendered the duties of the distributing officers doubly harassing. My Lords, the fearful misery and destruction of human life that would have occurred among those teeming millions if prompt measures of relief had not been undertaken, would have been almost beyond calculation. To quote the words of a telegram of the 21st of March last, if it had not been for the measures taken by the Government, "there would have been thousands of starvation deaths ere this." The Famine of 1874 would have swept across those thickly-populated plains, and traced its disastrous course by ravages equal to, if not surpassing, those of previous dreadful visitations. But now, my Lords, in my opinion, an epoch has been marked in the history of British India, to which, whatever may be the future of that great Empire, future generations of Englishmen may look back with pride and satisfaction. And I would further add, with regard to the people of India

themselves, that the recollection of our open-handed liberality, of our fatherly care for them in this the time of their great distress, will go far to strengthen their confidence in, and reconcile them to, the governing race. And to whom, my Lords, shall we give the praise, but to those who, in conjunction with Her Majesty's Government, so ably initiated, and so practically carried out, those measures of relief. In mentioning the past and present Lieutenant Governors of Bengal, I am but naming two well-tried public servants, who have added new lustre to their well-deserved reputation by their conduct at this crisis. And I am glad to have this opportunity of paying my humble tribute to the Viceroy of India, to whom I am indebted for many acts of personal kindness. The noble Marquess who presides at the India Office alluded last year, in far abler terms than I can hope to command, to the vigour and judgment of the Governor General in the face of this great responsibility. It was my fortune to be in India for many months after the Governor General's first arrival in the country, and I had full opportunity of witnessing the growth of that confidence in his great and varied talents among all classes of the community, which is the reflex of that which he enjoys at the hands of the noble Marquess and of all those who have been associated with him in political life at home.

And now, my Lords, to turn to the Colonies. Before proceeding to the few remarks I have to offer your Lordships, I would ask leave to express from the bottom of my heart my deep sorrow for the great bereavement which has befallen my noble Friend the Secretary of State for the Colonies—a feeling which I am confident will be shared by every one in your Lordships' House. Your Lordships will pardon me if I say no more—in this House I know it is unnecessary. Of our Australian Colonies proper I will say but a few words, and those merely to bear witness from personal experience of the accuracy of the general reports regarding their progress and the increasing prosperity they are achieving. When we consider that little more than 40 years ago no British settler had permanently established himself on Victorian soil (for though Port Philip was discovered in 1802, no practical attempt at colonization was made until 1834),

The Earl of Donoughmore

and then turn to contemplate that great city of Melbourne, founded on a swamp in 1836, now risen to the position of the eighth city of the British Empire—with its magnificent public buildings, its busy factories, its broad thoroughfares, and its large spaces of gardens, which conduce alike to public recreation and public health—we cannot but be impressed with the energy and determination which has so rapidly developed the resources of the country. And I would also testify to the vitality, equally in Victoria as in the other colonies I have visited, of that loyalty to the Crown which is in all climes the characteristic of our countrymen. And there is another colony added to our Australasian dependencies, the acquisition of which has to-day been announced to your Lordships in the Speech from the Throne. It is almost needless for me to point out to your Lordships the importance of the Fiji Islands, from their position in the centre of the South Pacific Ocean. Situated as they are, on the high road between the Australian Continent and America, we can hardly too highly rate their value as a depot for our mail service, and a maritime station for the protection of our commercial interests. And, above all, we may congratulate Her Majesty's Government on having secured a vantage ground, from which, by the establishment of a strong Crown Colony in the centre of Polynesia, a watchful eye may be kept to check the abuses in the labour traffic of the Islands, which have from time time, and, indeed, recently, been brought into notice. Your Lordships cannot fail to appreciate the wise discretion which prompted Her Majesty's Government to choose for the difficult task of negotiating the cession and organizing the temporary Government of these Islands, one whose previous experience in the Government and organization of Crown Colonies so eminently fitted him for the duty. Sir Hercules Robinson is not only the oldest but amongst the ablest of our Crown Colony Governors, and the services he has already rendered fully justify the confidence that has been reposed upon him on this important occasion. Your Lordships will recollect that in the year 1871, at the time of the federation of the provinces in the Dominion of Canada, an arrangement was entered into as one of the conditions of Union, between the

Government of the Dominion and that of British Columbia, for the construction by the former of a railway across the Continent, to be known as the Canadian Pacific Railway. By the original agreement this enterprise was to be completed within 10 years from the date of federation, and an annual sum of \$1,500,000 was fixed as the minimum expenditure to be incurred in carrying out the works. Some doubts, however, appear to have arisen on the part of the Government of British Columbia as to the possibility of the conditions being fulfilled within the time specified, and a disagreement that might have resulted in serious consequences was referred to the British Government for arbitration. The question was finally amicably adjusted by a compromise, which extended the time for completion to the year 1890, and fixed the minimum annual expenditure at \$2,000,000. I need hardly remind your Lordships that the Minister under whose auspices the successful federation of the Provinces was organized was my noble Friend who now presides over the Colonial Department; and he has thus, by suggesting a mode of settling this difficult question, been able to make a further contribution to the development of the resources of our dominions in North America.

Your Lordships will, I hope, excuse me, if an interest in affairs beyond sea, has led me so to intrude them on your Lordships' attention, as to leave me but little space to treat of matters at home. It is satisfactory to hear of the prosperous state of the country; and although there has been a slight falling off in trade, the prospects of the year are such as to give us no anxiety for the future.

My Lords, there is a paragraph in the Speech from the Throne which announces to your Lordships that a measure of Law Reform will be laid before you, and this I venture to think your Lordships will consider worthy of special attention. For notwithstanding our respect and admiration for the traditional and proverbial excellence of English Law, and deeply as we may venerate the abilities of those sages of jurisprudence who are and have been from time to time such conspicuous ornaments of your Lordships' ancient Assembly, yet it must be acknowledged that our present legal system, handed down as it has been from the feudal

period, has collected in its growth to its present dimensions much that is superfluous, and unsuited to the exigencies of our time. By a judicious elimination of redundant matter, and by a careful analysis and reduction to a more manageable form of all that is useful and necessary in the congeries of the present system—both the study and the practice of our law will be greatly facilitated. Your Lordships' attention was called to this measure in the past Session, but time would not admit of its full discussion. Let us hope that now it may be brought to a satisfactory conclusion. And there is another measure, with the title of which your Lordships are already familiar, which provides facilities for the transfer of land. Everyone of your Lordships is aware of the great expense and waste of time entailed by the sale of land under the present system, owing to the necessity of proving title by deed. This involves the employment of the most costly professional assistance and a large element of uncertainty, causes such delay as sometimes to frustrate the object of this partial dealing, and has the disadvantage of being cumbrous from the mass of documents that have to be preserved. It is to simplify this system that your Lordships' co-operation is requested, and I feel sure it will have your consideration. Various other Bills are mentioned in Her Majesty's Speech which will be laid before you during the coming Session. I cannot but venture to think, my Lords, that the condition of external peace which has been announced to us, marks a most fitting period for the introduction of measures of social improvement at home. Besides, in the last few years more than one great measure of organic change, on the wisdom of which it is not my province to dilate, have received the sanction of the Legislature; and it would appear inevitable, that while such questions are before the country, occupying the energies and attention of all, others, which do not so readily obtrude themselves into notice but are none the less important, should be necessarily neglected. Your Lordships will, I hope, therefore, read here with satisfaction, that a group of measures relating to sanitary matters will be laid before you, as also a Bill upon Friendly Societies, all of which, if brought to a successful issue, will confer great benefits on the

poorer portion of the community. Of the actual contents of these measures I am necessarily ignorant, so will merely recommend them to your Lordships' attention.

There is one more paragraph in the Speech from the Throne, to which at the risk of wearying your Lordships I would ask leave briefly to allude, as it is one which contains a question of vital importance to a large class of persons, amongst whom may be numbered many Members of your Lordships' House—I mean that which draws attention to the present state of affairs in Ireland, and announces that, in the opinion of Her Majesty's Government, the time has arrived for the reconsideration of a portion of those coercive measures which since the year 1871 have been considered necessary for the maintenance of order, and the safety of human life, in that portion of Her Majesty's Dominions. The conviction of the necessity for exceptional legislation in any part of the British Islands must have formed itself most painfully and reluctantly in all patriotic minds, and a corresponding degree of satisfaction will be felt if that necessity has ceased to exist. But, my Lords, when we look back on the catalogue of agrarian outrage and murder perpetrated in Ireland in past times, we must believe that so serious a step as any change in the direction indicated will not be taken by Her Majesty's Government except on the most indisputable evidence as to the tranquillity of the country. A protracted absence from home, and a sense of respect for your Lordships' House, alike deter me from venturing any opinion upon the state of the country. But this I may safely assert, my Lords—that no class of people in Her Majesty's dominions would be more rejoiced to find that the necessity for these coercive measures had passed away, than the country gentlemen of Ireland.

And now, my Lords, but one word more. In asking your Lordships' forgiveness for trespassing so long on your attention, I would assure your Lordships of my deep sense of the honour of being permitted now for the first time to take an active part in your deliberations. To one with so little to recommend him to your Lordships' notice as myself, your forbearance is doubly welcome; and I beg to return you my heartfelt thanks for the kind and patient hearing

The Earl of Donoughmore

you have accorded me. The noble Earl concluded by moving the following humble Address to Her Majesty thanking Her Majesty for Her Majesty's most Gracious Speech from the Throne :—

MOST GRACIOUS SOVEREIGN,

"We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble thanks to Your Majesty for the gracious Speech which Your Majesty has commanded to be made to both Houses of Parliament.

"We humbly thank Your Majesty for informing us that Your Majesty continues to receive assurances of friendship from all Foreign Powers, and that the peace of Europe remains unbroken.

"We humbly thank Your Majesty for informing us of the termination of the Conference held at Brussels on the Laws and Usages of War, and of Your Majesty's decision not to enter into further negotiations on the subject.

"We humbly thank Your Majesty for informing us that the Prince of Asturias has been called to the throne of Spain under the title of King Alfonso XII, and that the question of formally recognizing, in concert with other Powers, the newly restored Monarchy, is under the consideration of Your Majesty's Government.

"We rejoice to learn that the exertions of Your Majesty's naval and consular servants in the repression of the East African Slave Trade have not been relaxed, and we share the hope expressed by Your Majesty that they will bring about the complete extinction of this inhuman traffic.

"We humbly thank Your Majesty for informing us that the differences which have arisen between China and Japan have been adjusted, and that the good offices of Your Majesty's Minister at Pekin have been largely instrumental in bringing about this result.

"We rejoice to learn that the past year has been one of general prosperity and progress throughout Your Majesty's Colonial Empire.

"We humbly thank Your Majesty for informing us of the progress which has been made in the establishment of civil government on the Gold Coast, and that Your Majesty has procured the assent of the protected tribes to the abolition of slavery.

"We humbly thank Your Majesty for informing us that Your Majesty has found it necessary to review the sentence passed upon a native Chief in Natal, and to consider the condition of

the tribes, and their relations to the European settlers and Your Majesty's Government, with the view of ensuring a wise and humane system of native administration in that part of South Africa.

"We humbly thank Your Majesty for informing us that, the King and Chiefs of Fiji having renewed the offer of their Islands unfettered by conditions, Your Majesty has thought it right to accept the cession of this territory.

"We rejoice to learn that an ample harvest has restored prosperity to the Provinces of Your Majesty's Eastern Empire, which last year were visited with famine, and that, by the blessing of Providence, the measures adopted by Your Majesty's Indian Government averted the loss of life apprehended from that calamity.

"We humbly thank Your Majesty for informing us that the state of the finances is satisfactory, and that the general prosperity of the people, supported by an excellent harvest, as well as by the recent reductions in taxation, has been fully maintained.

"We humbly assure Your Majesty that our careful consideration shall be given to the Measures which may be submitted to us, and we earnestly join in Your Majesty's prayer that our deliberations may, under the Divine blessing, result in the happiness and contentment of Your Majesty's people."

LORD RAYLEIGH: My Lords, in rising to second the Motion for the Address which has been so ably and eloquently moved by my noble Friend, I must begin by joining with my noble Friend in giving expression to the sympathy so universally felt by all classes of Her Majesty's subjects for the young Prince whose illness has deprived us of Her Majesty's most gracious presence to-day. Although the latest accounts are somewhat more favourable, the case is one which more than usually illustrates the vanity of human hopes, and even the common wish of restoration of health is sadly inapplicable. My Lords, in common with all classes of the community, your Lordships will have heard with pleasure the announcement from the Throne that the relations of this country with Foreign Powers continues to be satisfactory, and that—so far as can be judged—there is at present no cause for special anxiety as to the maintenance of the peace of Europe. This information is the more welcome as it would be idle to deny that the immense

and apparently ever-increasing armaments of the Continental Powers cast a deep shadow over the future of the civilized world. It is not to be supposed that armies amounting in the aggregate to six or seven millions of men are maintained at a vast sacrifice for no purpose, or for purposes of pure defence. Although our insular position exempts us in great measure from the necessity of embarking in this ruinous competition, still the proximity of so much explosive material is decidedly dangerous, and demands on our part a renewed vigilance, and an efficient Navy, capable of acting on the shortest notice. With regard to the Brussels Conference, your Lordships have probably heard with satisfaction that Her Majesty's Ministers have found themselves unable to entertain proposals having for their object the modification of the laws of war in a direction which, however it may commend itself on humanitarian grounds, appears likely in the event of war to be disadvantageous to the action of the more free and less highly drilled nations of Europe. The paragraphs in Her Majesty's Speech relating to India and the Colonies have been so ably commented upon by the noble Earl the Mover of the Address, with all the freshness of recent experience, that I feel it unnecessary for me to add anything to what he has said on those subjects. Turning to home affairs, it is gratifying to find that, notwithstanding a slight falling off, the trade of the country is on the whole flourishing, and that an abundant harvest has made us more than usually independent of foreign supplies. After last year's immense remission of taxation, it was not to be expected that much could again be done in that direction; but the Chancellor of the Exchequer will be able to give a satisfactory account of the financial position of the country. The measures which the Government will introduce are important, and are adapted to remedy admitted evils, but are not of that blazing character which the experience of recent years has led many to expect. In some quarters the notion seems to prevail that a Government has no *raison d'être*, unless it has a Church to disestablish or some organic revolution to propose. Such an absurdity will scarcely impose on anyone when clearly stated. Of course, in a country like ours, and in the 19th

century, when events march rapidly, changes will from time to time be necessary to meet the altered state of things; but, however inconvenient to orators and journalists a deficiency of exciting topics may be, the proverb is not far wrong which asserts the happiness of a people of whom history has little to record. In quiet times, at any rate, the first business of a Government must be to govern—to administer and improve existing laws rather than initiate daring innovations. The Bill for amending the laws relating to the transfer of land is, I believe, substantially the same as that which last year passed your Lordships' House, but failed in the House of Commons from want of time. The thorough discussion which the matter received from noble and learned Lords is a guarantee that the Bill will afford a satisfactory solution of a rather troublesome question. Among the subjects which will engage the attention of Parliament is the consolidation of the various Sanitary Acts. Those of your Lordships who have turned your attention to this question will admit the necessity of some legislation. At present there is great confusion, and the various local bodies on whom the administration largely devolves are scarcely equal to the task of interpreting intricate and sometimes almost conflicting Acts of Parliament. Of the importance of these matters there is, of course, no doubt at all; but our knowledge of the laws of health is still very scanty, and there is danger, I think, lest enthusiasts, led away by the fashion of the moment, may encourage an excessive expenditure, which may not only fail to attain its object, but excite a disgust that may prove a serious impediment in the way of future attempts at improvement. In connection with this subject we may hope that the measure to be introduced by the Government with the view of checking the great and growing evil of the pollution of rivers will deal successfully with the various difficulties with which the question is embarrassed. The Friendly Societies Bill about to be introduced—and which will be, as I understand, a modification of that of last year—deals with a subject as difficult as it is important. The function of Government in this matter is necessarily limited, but no labour will be thrown away which may tend, however indirectly, to secure

Lord Rayleigh

from fraud or mismanagement the savings of our poorer fellow-countrymen. The increase of crimes of violence, especially in the North of England, has lately excited much public comment, and Parliament will doubtless be ready to assist Her Majesty's Government in passing any measure that may be found necessary to repress an outbreak of savagery which is a disgrace to our age and country. Your Lordships will hail with satisfaction the announcement that the Government see their way to an improvement in the laws relating to agricultural tenancies, by which the interests of all parties may be promoted. The co-operation of Parliament in a matter of such great importance may be safely relied upon by the Government. The last subject to which I will venture shortly to allude is not mentioned in the Queen's Speech, but which has excited some public interest of a non-political character—I mean the recent transit of the planet Venus. This phenomenon is of great astronomical importance, since it affords the most accurate method of ascertaining the sun's distance as well as the scale of the solar system generally; and it occurs so seldom, that the loss of one opportunity might delay the settlement of the question for more than one generation. So far as is at present known, the labours of the astronomers—in which this country has taken a large, though by no means too large a part—have been fairly successful. I cannot pass from the subject of astronomy without expressing a hope that other sciences of equal philosophical interest and even greater practical importance will receive more Government recognition than has hitherto been accorded them. It is something of an anomaly that England, whose great prosperity is largely due to scientific invention, should be slow to encourage those whose discoveries are laying the foundations of future progress. It is said, I know, that these things may be safely left to individual enterprise; but there are fields of investigation in which individuals are powerless. My Lords, the proposed despatch of an expedition to explore the Arctic regions may, I hope, be taken as an indication that these matters will not be neglected by Her Majesty's Government; and the favour with which the announcement was received proved, I think, that the people of this country

are not so entirely absorbed in shop-keeping as some would have us suppose. I can imagine no better substitute for actual war in training both officers and men than the experience in evading and overcoming difficulties which such a contest with Nature is sure to afford. In conclusion, I must thank your Lordships for the kindness with which I have been received, and beg your indulgence for any indiscretion into which I may have been led by enthusiasm or inexperience. The noble Lord concluded by seconding the Address. [See page 17.]

EARL GRANVILLE: My Lords, it has been the custom in this House for many years to avoid, if possible, any difference of opinion in presenting an Address to Her Majesty in answer to the Speech from the Throne. This House has always been anxious to show its loyalty to the Crown, and devotion to the person of the Sovereign; and if ever there was a moment when we should be more anxious to observe this custom of agreeing to the Address it is now, when Her Majesty's anxiety about Her son is the sole reason which has prevented Her Majesty from opening this Assembly. On former occasions there has been great difficulty in obtaining this unanimity in regard to the Address. There have been great questions—there have been great wars with foreign countries, international differences of various kinds, calamities and difficulties at home or in our dependencies—still more, there have been great questions of political changes, exciting the enthusiasm of some and much alarm in the minds of others, and when it required very considerable care on the part of the framers of the Speech from the Throne and great moderation on the part of the Opposition to come to the desired conclusion. Happily, on this occasion, there are no such difficulties. There are, no doubt, questions which may be anxiously observed on the distant horizon; and although at home matters may require improvement and the attention of Parliament, yet, on the whole, there is nothing at the present moment which would render it difficult for a Prime Minister to write a Speech such as would meet with the general concurrence of Parliament. I trust that I shall have no difficulty on my own part in speaking with that moderation which I know will on this occasion be acceptable to your Lordships. I have listened with

great attention to the speeches of the noble Lords who have moved and seconded the Address. I well knew the father of the noble Earl (the Earl of Donoughmore). He was one of the best men of business, one of the keenest debaters, and, I must add, one of the most troublesome of good-humoured opponents I ever met with. I cannot pay a greater compliment to the noble Earl than to say that the son has proved himself worthy of the father. With regard to the noble Lord who followed him (Lord Rayleigh), it is satisfactory when we see men who have attained the very highest distinction in their respective Universities, come down and show that they mean to take their share in the Public Business of the country:—and I for one shall not object if the noble Lord infuses a little more of the scientific element into our debates. I remember some 15 years ago an old College friend moving the Address in this House on the part of Conservative Government. I had to follow him, and I troubled the House so far as to repeat my recollection of what happened to myself when I had the honour of moving the Address to Her Majesty in the House of Commons. I went to the Prime Minister—who referred me to other Departments. They were all most kind, but the Foreign Office sent me to the Home Office, and the Home Office to the Colonial Office. Recollecting what had happened to myself, I then ventured to suggest how my noble Friend had been inspired in his laudable search after information. As I was going out of the House, my noble Friend took my arm, and remarked that I was perfectly right in every particular, "But," he said, "how on earth did you know it?" I am not going to risk my reputation as a diviner on the present occasion; but although many points have been properly suggested, yet there are other points on which great reticence has evidently been observed. All I can say is, that it is all the more creditable to those noble Lords to have done so well, and full allowances must be made for their difficulties on that score. With regard to the Speech itself, I entirely share in the feeling expressed by the Mover and Seconder, as to our satisfactory relations with Foreign Powers. With respect to the Conference at Brussels, I am glad that Papers are to be presented. My opinion is, that these

Papers will show that the course taken by the Government has been a prudent and a right one. I am not quite sure that the reasons given here are perfectly conclusive on this point; but I have very little doubt that the Government have taken the right course in not going again into the Conference. With regard to the next paragraph, relating to Spain, objections may be made of a somewhat material character. After the abdication of King Amadeo, the late Government had to consider very frequently the question of recognizing the Government which succeeded. We acted on the principle that although the Government of other countries thought it right to recognize the new Government of Spain, yet the chief principle which should guide us was, that we should recognize it, when it had got some legal sanction from the people, or at all events, when it was pretty clear that it was acceptable or accepted by the country at large. Her Majesty's Government have followed exactly the same course. I believe that they, like ourselves, were not in the least degree favourable, but hostile, to the establishment of a Republic in this country; yet that they were not actuated by the least hostility to the Republican form of Government in Spain, if such were to be the wish of the people. In the Speech at the end of last Session, allusion was made to Spain, and reasons were given which explained why there had been no recognition of the Government of Spain up to that time. I do not blame the noble Earl (the Earl of Derby) for not having separated himself from the great majority of Foreign Governments—I have no complaint to make against the noble Earl on that point: but with regard to this paragraph, it amounts to an invitation to Parliament to discuss that which ought to be done by the Sovereign on the responsibility of her Ministers. This is altogether contrary to precedent, and I therefore think it undesirable that this paragraph should be so framed as to omit entirely any definite statement of the intentions of the Government, and to allude in these terms to what they are about to do in regard to the recognition of the Government of Spain. In the concluding sentence of the paragraph relating to Spain there is a word to which I am constrained to take exception; I think I should not have inserted the

Earl Granville

word "unfortunate," as applied to that country. It may be intended to express a very genuine sympathy; but at the same time, it is a word which is liable to be interpreted in a sense which to some is not altogether agreeable. With reference to the East African Slave Trade, I cannot but rejoice at the prospect held out to us by the paragraph relating to that subject; but while expressing my approval of that paragraph, I am bound also to express my satisfaction that the Government is not inclined to go beyond the limits indicated in the speech of the noble Earl who moved the Address. The information given by the Speech relating to the settlement of the differences between China and Japan is satisfactory, for no greater evil in that part of the world can be imagined than a war between those two countries. It is admitted that this happy result is largely due to the exertions of our able Minister in China; but the sentence in which the acknowledgment is made appears to be misplaced, for surely it is unusual to mention a Minister personally—although I do not at all deny that great credit is due to a Minister on whom the burden of a negotiation entirely rests. I hope I shall not be misunderstood if I say it is impossible for me to touch upon any point of Colonial policy in the absence of the noble Earl at the head of the Colonial Office. I entirely agree with the noble Earl (the Earl of Donoughmore) that there is not a man in this House who does not sympathize with Lord Carnarvon in the sudden and overwhelming blow that has fallen upon him. It is impossible in his absence to do justice to the grave questions involved in the paragraphs relating to Colonial matters, and I can only express a sincere hope that he will be able to bear up under his heavy trial, and to return to the House in a condition to bear his part in our discussion of them. With reference to the Finances of the country, the Chancellor of the Exchequer was thought to have been somewhat rash in anticipations which he defended by plausible arguments; and, therefore, it is exceedingly satisfactory to hear that his estimate will not be found too sanguine, and that there is ample provision for the requirements of the year. With reference to the proposed relaxation of exceptional laws in Ireland, I will not at this moment express an opinion whe-

ther the Government are right or wrong; but it is satisfactory to know that the Government are convinced that the state of Ireland is very different from what it was described to be a short time ago, that that which was spoken of as "veiled rebellion" seems to have disappeared, and that the time has come when a prudent Government may make some relaxations. It is also satisfactory to know that the Government has evinced a willingness to make whatever relaxations are possible. I have omitted to notice the handsome acknowledgment which is made in Her Majesty's Speech of the services of the Indian Government in grappling with the Famine in that country—one of the most formidable calamities which can befall any country—and we understand Her Majesty has been advised to confer a distinction on Lord Northbrook as a mark of the high admiration evoked by his energy in dealing with the emergency. The noble Marquess the Secretary of State for India has also rendered justice to Lord Northbrook in a speech he has made elsewhere; but I must remark it has also been stated that the whole credit belongs to the noble Marquess the Secretary of State. On both sides of the House it is admitted that Lord Northbrook displayed ability, sagacity, and industry, and that he resisted clamour, which made it all the more difficult for him to carry out his policy. But I am sure the noble Marquess will agree that the merit of selecting Lord Northbrook is due to the Duke of Argyll; that the instructions under which he acted were drawn up by the Duke of Argyll, and that the claim of the noble Marquess to credit is based on the fact that he made himself perfect master of the facts of the case, and, in spite of inducements to reverse the policy already adopted, he firmly supported it, and in the most public way gave his support to Lord Northbrook. I do not believe the noble Marquess intended to be unjust to the noble Duke; but it seems as if it was desired to make up for the little praise the noble Marquess received at the end of last Session by exaggerated credit in the Recess. Now—

"For transient sorrows, simple wiles,
Praise, blame, love, kisses, tears, and smiles,"
are charming ingredients in those who have to deal with young children; but I am not quite sure that they are appro-

priate manifestations to be indulged in publicly as between the Prime Minister and his Colleagues. The noble Marquess has, on a recent occasion, shown his great desire to render justice to his predecessor. Coming to the long list of measures to be proposed by the Government, I read it with great satisfaction; because there have been rumours, such as are usually current before the meeting of Parliament, that some of the measures already matured in Parliament were not to be re-introduced in substantial conformity with the Bills already discussed. I am glad therefore to find that several measures which were postponed at the end of last Session will be again introduced—especially those for simplifying the Transfer of Land and completing the re-construction of our Judicial System. I am glad also to find that other measures connected with the Administration of the Law will be introduced. The value of many of the measures announced will depend upon the principles adopted in them and the manner in which they are carried out. There was another measure which last year Her Majesty's Government pledged themselves to introduce this Session, of which no mention is made in the Speech from the Throne. We are to be invited to consider a measure for improving the law as to Agricultural Tenancies; and that is a subject which can, perhaps, be treated better by a Conservative than by a Liberal Government, because a Conservative Government possesses the confidence of the landlords, and in a great degree that of the farmers, and may therefore be better able to deal with the subject in a manner satisfactory to both. My Lords, having touched thus briefly on these topics contained in Her Majesty's Speech, there are certain omissions in it to which I must for a moment advert. The first omission is with regard to the Navy. A friend of mine suggested to me this afternoon that the reason of this omission was of a very substantial character, and until contradicted, I cannot but believe that the knowledge of the state of that great service, both with regard to its admirable condition and also the great superiority of the improvements introduced, and the cheapness and excellence of all the stores, have brought the Government to feel that the First Lord last year had been led away in debate to make the

assertions he did with regard to the state of the Navy. There is another omission still more important; there is no mention in the Speech of that great subject which has agitated Parliament—particularly in “another place”—so much—I mean the question of local government and local taxation. I am not going to trouble your Lordships with the list of divisions that have been taken, or the various assurances that have been given by different Members of the Government on the subject. But I think I may refer to a very distinguished deputation, with a noble Lord opposite at the head of it, which waited on the Prime Minister after he had accepted office. They stated their case, and in his answer the Prime Minister reminded them that this was a subject which he had brought before Parliament five-and-twenty years ago—a subject which he had constantly kept alive, and now that he had a real majority at his back his acts would be based upon his words. But this great subject has no place in the Royal Speech. Now, the omission of this subject must, I think, mean one of three things. Either it means that the Government are perfectly satisfied with having handed over the sum of money to the taxpayers last Session which the late Government were willing to give—or that they meant to take no action in the matter whatever—or the third alternative was, that they would hand over money from the Consolidated Fund to the taxpayers without any proper improved machinery for local government, the want of which would be a great difficulty in dealing with the subject. I think the House and the country have a right to know more clearly and definitively what are the intentions of the Government. I have now only a very few words, my Lords, to add. I have been told within the last few days that it was expected that the Liberal Party would at this moment lay down a “programme.” I do not acknowledge this claim on the Liberal Party. First of all, I do not like the term “programme”—it is more of a sensational and theatrical than a practical character, and has little reference to the sober transactions of Public Business. But I object to more than the name—I do not admit the right of anyone to make such a claim upon the Opposition. When one Party is displaced, and another likely to come into

Earl Granville

power, the country and Parliament have a right to know, in a general way at least, what are the principles and policy by which the incoming Party is likely to be guided; but I deny that this is necessary on the part of an Opposition in the present circumstances of the Liberal Party. I doubt whether the Conservative Party during the last Parliament could be accused of any marked policy, and I cannot conceive that any Party could be more triumphant than they were at the last Election. Nobody can imagine that the Liberal Party, during so many Administrations in the last 40 years, had no policy; and no one can want to know what are the principles by which the Liberal Party—now a powerless Party—are guided. What I believe the country now wants is, that we should know very clearly what is the policy of the Government—the first Conservative Government, with the exception of Lord Aberdeen's, which really commands a majority in both Houses of Parliament. What we see in the Queen's Speech is not very encouraging. The Queen's Speech at the commencement of last Session indicated various measures which it was desirable to pass into law; but the Speech at the conclusion of the Session only mentioned one of those—that with regard to the licensed victuallers—which was announced in the Speech as having been ultimately passed. What I wish to state is the course which will be taken by this side of your Lordships' House. It will not be factious. I think nobody will deny that we have no expectation of turning out the Government. I may add we have no wish to do so. I believe it is good for both Parties in turn to bear the responsibilities of office, and I also believe it is good to those in the Government that the opposition should be effectively given. We have no intention whatever of making any attack on the Government—we do not wish to do anything to embarrass them. We do not wish to press forward any measures to place them in any difficulty; but while I say this, I say also that we will keep an observant eye on the conduct and policy of the Government. I believe that is the right course for the Opposition to take, and if the Government be well conducted, that course in the end will be the more useful and honourable to them than any active opposition. If the Government bring in truly liberal

measures, dealing with the questions they raise in a manner nothing different from the policy adopted by the late Government for several years, I do believe the Session will terminate happily, and we may hope that, in the concluding words of Her Majesty's Gracious Speech, our deliberations may, under the Divine blessing, result in the happiness and contentment of the people.

LORD REDESDALE said, that with reference to one of the measures announced in Her Majesty's Speech—that for completing the reconstruction of the Judicature—a very considerable change of opinion had arisen since last Session. At the present moment a great many members of the Legal Profession were taking an active course for the retention of the jurisdiction of their Lordships' House as a Court of Ultimate Appeal. He said, then, they should be extremely cautious as to what they did, for the public as well as for themselves, in this matter; and they ought to know what was the feeling of the Profession before finally determining what should be done. Last Session they had the advantage of having the opinion of the Profession in Scotland and Ireland; in both countries it was distinctly stated that the Profession was in favour of the retention of their Lordships' House as the Ultimate Court of Appeal. The Profession in England had not yet expressed a decided opinion on the subject, but he believed it would be found they were in favour of the retention of an ultimate jurisdiction by that House. Their Lordships ought also to know what the opinion of the Judges of the country was, and that also, he believed, would be found to be unfavourable to the proposed change. It was the duty of Her Majesty's Government under these circumstances to enable the House to know what was thought both by the Profession and the Judges on this important matter, and to do so before a Bill should be laid upon the Table.

THE DUKE OF RICHMOND: My Lords, before I touch on the particular topics alluded to by my noble Friend opposite (Earl Granville), I would venture to add my tribute of regret at the very unfortunate and much lamented cause of the absence of Her Majesty on this occasion. I should not do justice to my own feelings, and, I am sure, to the unanimous sentiments of this House,

of loyal attachment to the Throne, if I did not say how much we deplore the cause of Her Majesty's absence. I also join with my noble Friend opposite in his graceful expressions of approval of the manner in which my noble Friends behind me have acquitted themselves this evening; they have discharged with much ability what to my mind is one of the most difficult duties that a statesman can be called upon to discharge. Like my noble Friend opposite, I have a keen recollection of having had to undergo the same ordeal in the other House of Parliament—now, I am sorry to say, many years ago. I can endorse everything which my noble Friend has said on the subject, and whilst he was speaking my memory carried me back many years, till I fancied I was undergoing the operation which he described. It has frequently been my lot when I sat on the benches opposite to listen to the speeches of noble Lords selected by my noble Friend for the duty of moving and seconding the Address, and I have often been actuated by mixed feelings—admiration at the manner in which those noble Lords acquitted themselves, and regret that they were not connected with the Party to which I had the honour to belong. At present my feelings are of unmixed satisfaction, when I think that among those who are likely to give their support to Her Majesty's Government we shall have the assistance of my two noble Friends, whose mode of dealing with their task has proved them to be second to none of those who of late years have addressed us on such an occasion. Having thus expressed my gratitude to them for the manner in which they have acquitted themselves, I will only add that I venture to hope they will on many occasions be enabled to assist in the deliberations of the House by their speeches and advice. I now turn to a less agreeable part of my task—namely, to answer some objections taken by my noble Friend opposite, to the Speech which has been graciously addressed to your Lordships by Her Majesty. My noble Friend took some exception to the paragraph which dealt with the Conference held at Brussels; but, as I think his objections were in a great measure directed rather to the language of the paragraph than to the resolution which Her Majesty's Government have come to, I

need not enter very minutely into details. I venture to think, however, that when my noble Friend has had the opportunity of reading the Correspondence which Her Majesty has graciously told us will be presented to this House, he will find no fault with the course which Her Majesty's Government have taken; that he will admit that the manner in which the subject has been dealt with will add fresh lustre to the character of my noble Friend who holds the Seals of the Foreign Office (the Earl of Derby), and will acknowledge, I am sure, with his usual candour, that no exception can be taken to the course which the Government have thought fit to adopt. With regard to the next paragraph, which deals with the Government of Spain, I am at a loss to know how my noble Friend can object to it. In the first place he objects that your Lordships have not been informed that the Government of Marshal Serrano had been recognized by Her Majesty's Government. The answer to that objection is very clear—namely, that all interest in the matter ceased when the Government of Marshal Serrano was *de facto* put an end to. It was a point which might have had some interest during the existence of the Serrano Government; but when that Government came to an end, it appears to me that it was not then for the Government to advise Her Majesty to make any reference to the subject in the Speech from the Throne. Then my noble Friend takes exception to the part of the Speech which draws attention to the fact that Alfonso XII. has been called to the Throne of Spain, and says that the question of recognizing that fact ought to be dealt with on the responsibility of Her Majesty's Government, and that we ought not to have advised Her Majesty to address the House on the subject. My Lords, we do not ask advice on that matter—we shall act on our own responsibility: but we thought it a matter of such grave importance, that we should not be dealing properly with the House or the country if we did not advise Her Majesty to treat it in the manner in which She has done. Then my noble Friend takes exception to calling Spain "an unfortunate country." But, if my noble Friend will look at the paragraph, he will see that it is called "a great, but unfortunate country;" and I will venture to ask whether a country which

has been distracted by civil war and internal dissensions in the manner in which Spain has been, may not justly be called a great, but unfortunate country? I still think that Spain is both great and unfortunate, but I hope that before long Her Majesty's Government will be able to recognize her present Government, and I am perfectly certain of this—that as soon as we can with propriety do so, it is our desire to make that formal recognition. Then my noble Friend objects in a good-humoured manner to the language of the paragraph with regard to China and Japan. I think my noble Friend is somewhat hypercritical. The Speech from the Throne says—

“I have learnt with pleasure that the good offices of my Minister at Peking have been largely instrumental in bringing about this good result”—

referring to the adjustment of the late differences between those two countries. My noble Friend says it ought to be “my good offices,” and not “the good offices of the Minister.” But there were good reasons for the language which has been used. At the distance of this country from China it was perfectly impossible to give the Minister there minute instructions. He had general instructions, therefore, to promote peace if he could; and I shall be corrected by my noble Friend near me (the Earl of Derby), if I am wrong when I say that it was mainly due to the personal influence of the Minister there, that the happy result alluded to was brought about, and we thought it right that it should be known here that results so desirable had been attained by the personal influence of the Minister, and that is the reason why the paragraph has been expressed as it is. My noble Friend spoke somewhat lightly of the various measures to be introduced in the course of the Session, and rallied us on their paucity. But Her Majesty's Government think the Bills they propose to introduce will be quite as many as could possibly go through this and the other House of Parliament. I can, however, add one which is not among those mentioned in the Royal Speech. I refer to a measure of the last importance to a country so commercial and manufacturing as this. On this subject—namely, the amendment of the Patent Laws—I think, if necessary, I should be able to

show that Her Majesty's Government are endeavouring to legislate in a manner perhaps not sensational, but quite as useful. I do not think I need go into the questions with regard to the transfer of Land and the re-construction of our Courts of Judicature. Last year Her Majesty's Government showed that they did desire to see the measures on this subject passed through this House. It is my earnest desire that they should pass through this House again, and no effort will be wanting on our part to that end. The objections which have been urged by my noble Friend should have been raised, I think, upon a former occasion. However, I will not be seduced into a debate upon this subject. When the time comes my noble and learned Friend the Lord Chancellor will, I have no doubt, be equal to the occasion, and will be able to explain and defend the measures with the same force and success which induced your Lordships to give them a third reading last year. My noble Friend alluded to one measure which he did not name. As it was an anonymous measure, I may, perhaps, fairly pass it over. I did not understand what the measure was which he said we last year gave a pledge to introduce.

EARL GRANVILLE: It related to Endowed Schools.

THE DUKE OF RICHMOND: I do not say now that such a measure will not be introduced, but as it is not mentioned in the Speech, I do not think I am called upon to go into the subject—though I do not say it will not be my duty to bring forward such a measure. Next, my noble Friend spoke of the proposed Bill relating to Agricultural Tenancies, and said he trusted it would be one which would satisfy all the parties concerned. I can only say that if so it will be one of the most singular measures ever laid before Parliament. I hope, however, that at no distant date, a Bill on this subject will be submitted to your Lordships, and until that time arrives, I forbear to enter into anything like details respecting it. I do not know that there are any other topics which I am called upon to notice. I am glad to find that my noble Friend does not think it necessary to move any Amendment upon the Address. I am quite aware that such a course is by no means inconsistent with full, fair, and possibly severe criticism upon all the measures which

Her Majesty's Government may hereafter introduce. The course pursued by my noble Friend in not opposing the Address by no means precludes him from opposing either in principle or in detail any or all of these measures, if he thinks fit to do so upon becoming acquainted with their provisions. But I quite concur with him in thinking that it is better on an occasion of this sort, when it is possible to do so, to approach the Crown in a unanimous spirit, and that there should be no division of opinion upon the Address which has been moved by my noble Friend behind me. I also gratefully acknowledge the statement that my noble Friend will offer no factious opposition to the measures which Her Majesty's Government may introduce. He is possibly right in his remark that pledges given are not always observed; and I am also aware that the word "factious" is differently understood from different points of view. For example, my noble Friend might oppose some measures, and I should, perhaps, call his opposition factious, while he would say he was bound to offer such opposition from an earnest conviction that the passing of such measures would be injurious to the country. But I accept with pleasure his assurance that he will not be "factious" in his opposition, and I trust that the unanimity which has prevailed this evening is an earnest that we shall approach these measures during the Session with the calm deliberation which has always characterized, and, I hope, will always characterize your Lordships' House.

Address agreed to, *nomine dissente*, and ordered to be presented to Her Majesty by the Lords with White Staves.

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL.
LAND TITLES AND TRANSFER BILL.
OBSERVATIONS.

THE LORD CHANCELLOR: It may be convenient to some of your Lordships to know that I propose on Tuesday next to lay again upon the Table the Bill to amend the Judicature Act of 1873, and the Bill with regard to the Transfer of Land, setting forth in detail any alterations which may be proposed in these Bills. On Thursday next I shall call attention to a consideration of

The Duke of Richmond

the question of Letters Patent for Inventions, and will lay upon the Table a Bill to consolidate and amend the law upon that subject.

CHAIRMAN OF COMMITTEES.

The LORD REDESDALE appointed, *nomine dissente*, to take the chair in all Committees of this House for this Session.

COMMITTEE FOR PRIVILEGES — Appointed.

SUB-COMMITTEE FOR THE JOURNALS—Appointed.

APPEAL COMMITTEE—Appointed.

JUSTICES OF THE PEACE QUALIFICATION
BILL [H.L.]

A Bill to amend the qualification required by persons acting as Justices of the Peace—Was presented by The Earl of ALBEMARLE; read 1^a. (No. 5).

House adjourned at a quarter past Seven
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 5th February, 1875.

The House met at half after One of the clock.

Message to attend the Lords Commissioners:—

The House went;—and having returned;—

WRITS ISSUED DURING THE RECESS.

Mr. SPEAKER acquainted the House—that he had issued Warrants for *New Writs*, for Midhurst, *v.* Charles George Perceval, esquire, now Earl of Egmont; for Northampton Borough, *v.* Charles Gilpin, esquire, deceased; for Cambridge County, *v.* Lord George Manners, deceased; for Wenlock, *v.* Right hon. Cecil Weld Forester, now Lord Forester; for Birkenhead, *v.* John Laird, esquire, deceased; for St. Ives, *v.* Edward Gersham Davenport, esquire, deceased; for Kent (Eastern Division), *v.* Hon. George Watson Milles, now Lord Sondes; for Trinity College, Dublin, *v.* Right hon.

John Thomas Ball, Lord High Chancellor of Ireland.

NEW MEMBERS SWORN.

Sir Henry Thurston Holland, baronet, *for* Midhurst; Benjamin Bridges Hunter Rodwell, esquire, *for* Cambridge County; Sir Wyndham Knatchbull, baronet, *for* Kent (Eastern Division); Charles Tyringham Praed, esquire, *for* St. Ives; Cecil Theodore Weld Forester, *for* Wenlock; David MacIver, esquire, *for* Birkenhead; Charles George Mere-wether, esquire, *for* Northampton Borough.

CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the Trial of Election Petitions, Certificates and Reports relating to the Elections for Durham County (Northern Division); for the Borough of Poole; for the Borough of Boston; and for the Borough of Stroud. And the same were severally read.

NEW WRITS.

For Chatham, *v.* Admiral George Elliot, Chiltern Hundreds; *for* Trinity College, Dublin, *v.* Hon. David Robert Plunket, Solicitor General for Ireland.

PRIVILEGES.

Ordered, That a Committee of Privileges be appointed.

OUTLAWRIES BILL.

Bill "for the more effectual preventing clandestine Outlawries," read the first time.

THE QUEEN'S SPEECH.

MR. SPEAKER *reported* Her Majesty's Speech, made by Her Chancellor, and read it to the House.

ADDRESS IN ANSWER TO HER MAJESTY'S MOST GRACIOUS SPEECH.

MR. E. STANHOPE: Mr. Speaker, Sir, a fortnight ago it seemed as if a Recess which has been fruitful in calamities might possibly terminate in a disaster which would have coloured all our proceedings to-day. One who is just entering upon manhood, and who requires only health to enable him to develop and display those talents which he undoubtedly possesses, lay upon a bed of sickness; and although, Sir, the

state of his health and his devotion to studious habits has prevented Prince Leopold from being generally known to the public, it is scarcely necessary to assure Her Majesty that the people of this country, as they have always been partakers in her domestic happiness, have also, if I may say so, watched with affectionate solicitude at the bedside of her son. And I should be but an indifferent exponent of the feelings of this House if I did not venture to express our deep sympathy with Her Majesty in her long-continued anxiety, and our earnest hope that the improvement which has now begun may result in the restoration of His Royal Highness to robust health and vigour.

Sir, there is no custom more salutary than that which in the annual Speeches from the Throne, at the opening of the Session, devotes almost as large a portion of the Speech to the consideration of our external relations as to the far more exciting topic of the domestic legislation which it may be the intention of Her Majesty's Government to propose. In these days of armed nations, when Continental Governments are vying with one another as to the greatest amount of time that they can abstract from the lives of their citizens for devotion to military duties, and as to the largest number of soldiers that can be produced from a given population, it is very necessary for us, however little we may wish to enter into such a rivalry, to be reminded that a selfish and isolated policy, such as some would urge upon us, is for us practically impossible. As Englishmen, proud of our ancient traditions, jealous of our international obligations, interested in every habitable quarter of the globe, it is impossible for us to remain indifferent spectators of the events which are passing around us. And although we may with confidence depend upon an Army which, while small, we hope to make efficient, contented, and easily capable of expansion, and upon a Navy which ought to be invincible, yet it is well for us not to neglect any one of the advantages of our insular position. Therefore, it seems to me that this country, however much it might wish to join in the very philanthropic task of mitigating the calamities of war, has observed with great satisfaction the prudence of the Foreign Secretary, when he declined to enter into

the Conference proposed by Russia, without the express limitation that there should be no discussion of the usages and rules of maritime warfare. We are not in possession of the reasons for which the Government have refused to proceed further with the deliberations into which they did, in this limited way, consent to enter; but we may feel certain that Lord Derby, with the caution which has hitherto characterized him, will not allow the country in this matter to drift into difficulties.

There is no event second in importance to that which has placed the grandson of Ferdinand VII. upon the Throne of his ancestors. Young as he is, and necessarily dependent to a very great extent upon his advisers, he has a difficult and dangerous task before him. May he never forget those words which were addressed by a King of France to another young man, also aged 17, and also just setting out to assume the government of the Spanish people—"I exhort you to give them your affection, and to endeavour to gain theirs by the goodness of your Government." Called as he has been to the Throne by the voice of the people, if he can only evoke that national spirit which has before now risen superior to the greatest adversities, he may be able to conciliate political factions and calm ecclesiastical jealousies, and to deliver a distracted country from the wide-spread calamities of civil war.

But, Sir, it is not in its mention of foreign topics that Her Majesty's Speech is this year remarkable. It is the Speech of the Queen not only of these little Islands, but of a vast Empire. So vast is that Empire that most Englishmen find it extremely difficult to acquaint themselves with the various complicated questions which arise out of our colonial relations; and it must be almost impossible for a Colonial Minister, in adopting any particular policy, to feel sure that he is acting in accordance with the public feeling of this country. But I am satisfied that Her Majesty's Government, and the noble Lord who now holds the seals of the Colonial Office—to whom at this moment it is impossible to allude without a feeling of respectful sympathy—have not misinterpreted the public opinion of this country, in laying before us in detail, and without reserve, the policy which they have adopted, in the belief that it cannot fail to be deeply in-

teresting to us. The policy of disintegration of the Empire is dead. We are no longer to be invited to look forward to a time when the Colonies shall be ready for separation, and when we are to watch that separation with simple indifference. No, Sir; a truly Imperial policy is that which regards the Colonies as an honour and an advantage to this country. We believe that they are animated by a feeling of loyalty to the Queen and of attachment to the mother country which has survived official snubs and philosophical criticism, and which it requires only a liberal and statesman-like policy to develop and confirm. In Her Majesty's Speech there is ample indication of such a policy. Why have we accepted the cession of the Fiji Islands? Not only because it gives us the possession of an unrivalled coaling station for our fleet—although that is an undoubted advantage—but because, in the interests of civilization, and in the interest of the numerous English settlers whose lives and fortunes are inextricably bound up with the future of those islands, it was impossible for us to refuse to listen to the wishes of their inhabitants. And this cession gives us the further advantage of asserting the truly English principle of the liberty of the individual; and whether in reference to kidnapping in the Pacific, the slave trade of Zanzibar, or the pawns and domestic slavery of the Gold Coast, it is clear that the Government intend to lose no opportunity of putting an end, not by an abstract Resolution of this House, but by moral influence and active negotiation, to the traffic in human life.

It is hardly possible to imagine a Speech from the Throne in which every inhabitant of this country, especially if he belong to the poorer classes, could feel a deeper interest than the one to which we have just listened, because it deals so largely with legislation which has for its object the improvement of the condition of the people. Perhaps I may be permitted specially to allude to one paragraph in Her Majesty's Speech, as being the representative of a county which is alike illustrious for its agriculture and for the uniformly good relations which prevail between landlords and tenants. Those good relations are in part, at least, due to the custom which exists in that county. It has nothing in common with the system of tenant-right

Mr. E. Stanhope

in Ireland, or with that other system, so crippling to the incoming tenant, which has crept into some of our southern counties; but it aims at encouraging the tenant-farmer to put his capital into the land, and to keep it there as a permanent investment. So long ago as 1848 a Committee of this House declared that the Lincolnshire custom of compensation for unexhausted improvements was beneficial to agriculture, to the landlord, and to the tenant, stimulated the production of food, and gave increased occupation to the rural population. And it was confidently asserted that a system so desirable in itself must inevitably spread, and legislation was deprecated on the ground that it might tend to stereotype a custom which possessed this amongst other undoubted advantages—that its flexible character enabled it easily to be adapted to the requirements of particular soils, and to the improvements of modern agriculture. Sir, 17 years have passed, the custom has undergone modifications which have made it even more completely satisfactory than before both to landlords and to tenants, but it has not spread. I ought, perhaps, to apologize to the House for introducing my personal experience of this system; but it may be that the difficulties of this question can be met by an extension of the Lincolnshire custom, with proper modifications, to other counties also—although I believe that there are many more cases than are generally supposed in which the landlord, by agreement with his tenant, gives compensation for unexhausted improvements. I do not wish to make a guess at the intentions of the Government; but I am confident that when they bring forward their measure upon this subject, all of us who wish for the good of agriculture will lay aside local prejudice, and endeavour to co-operate with the Government in making it a practical one.

Passing over this somewhat special subject, I come to other measures having for their object the improvement of the condition of the people, and none can exceed in importance that which is intended to promote providence and self-help. No one can have failed to be struck with the remark made last year by the Chancellor of the Exchequer, when he said that it was lamentable to see how much good power was going to waste in this country. I think he made

out a conclusive case for legislation upon the subject. And though some of us might have preferred a more comprehensive measure than the Bill of last year, at any rate the natural jealousy of the working classes against any undue interference with the management of the societies which they have had the credit of founding need not be aroused. Perhaps the main principle of the measure of last year was the diffusion of information. Publicity is imperative, because it is the only means by which the individual can decide between sound and unsound societies, between societies which are well managed, and those which are fraudulent. I remember to have read in the Preamble of one of the old Acts for the regulation of Friendly Societies, that it was “desirable to protect poor persons from the effects of fraud and miscalculation.” Ah! Sir, what a vain hope was that! I trust that we shall no longer aim at the impossible, but instead of endeavouring to protect the individual, teach the individual how to protect himself.

There is another class of measures to which our especial attention is to be directed. The greatness of any nation, and perhaps more especially of the English nation, must depend upon the physique of its population. What has been the principal feature of our life during the last quarter of a century? It has been the depopulation of our agricultural districts. We can no longer hope, as we formerly could, to draw fresh reserves of health and strength from that quarter. Our surplus population has migrated into the towns, where the rapid increase of building and the inability of our sanitary machinery to keep pace with it has placed them in the crowded courts and alleys of our great towns under circumstances most unfavourable to physical health. It is a vast work to undertake, for we have not only to improve that condition, but to educate the mass of the people to a conviction of the importance and necessity of so doing. Every step in sanitary improvement means the expenditure of some money. At every point you are confronted by a mass of local prejudice and local self-interest which it is most difficult to overcome, until the fact is gradually realized that sanitary improvement means not only better health, but possibly also decreased pauperism, increased independ-

ence, and may perhaps shed a few bright gleams across the somewhat sombre life which it is the fate of the mass of the population to lead. Nor is this the only difficulty. Everybody believes himself capable of being a critic of your policy. Most people look upon your measures with the narrow views which an intimate acquaintance with one particular locality is apt to engender; whereas in a country of such varied conditions and habits as England, however strict your principles may be, your rules must be eminently elastic. Then, again, you must not expect immediate results from your policy. You must often look forward only to the indirect results that time—perhaps, a very long time—and the co-operation of the many wise and able and energetic men happily to be found in all parts of this country can produce. You must generally anticipate discouragement, always delay. And after all, when you appear to be making some little impression upon the work before you, some little hitch in your legislative machinery, which hardly any human foresight could have averted, brings you to a standstill. Or it may be that the fruit will ripen only when those who deserve the credit of having planted the tree shall have passed away from among us. I believe that in undertaking this difficult and unselfish work the Government will receive the co-operation of all parts of this House, and the approval of the country. The work is great. I believe it has been truly said that if all benevolent and powerful men were to co-operate for this purpose for a generation, they could hardly overtake the consequences of previous mistakes and neglect. And it is, perhaps, with youthful enthusiasm that some of us look forward to a not very remote period, when the condition of the people may be considerably ameliorated, but it is not in the idle belief that all of this—or even that much of it—can be effected by legislation—

“How small, of all that human hearts endure
That part which laws or Kings can cause or cure!”

Something, indeed, may be done; and if, when the history of the Session now opening comes to be written, the future chronicler shall find that the Parliament of to-day has not flinched from the task set before it; that it has done something to improve the condition of the people,

Mr. E. Stanhope

to encourage providence and self-help, to give to them purer air, purer water, and cleaner dwellings, to stimulate the production of food, and to give to our merchant seamen greater safety; that it has endeavoured to make justice more certain by providing easier means of setting it in motion; and by establishing a Supreme Court of undoubted authority, to give satisfaction to the suitors and to steady the principles of our law—then, Sir, in the annals of our glorious history, which has made the Parliament of England an object of envy and admiration to the world, the legislation of 1875, however humble and unsensational and unheroic, may claim a not inconspicuous place.

And now, Mr. Speaker, certainly at too great length, but, I hope, without indiscretion, I have discharged the duty which I can assure the House I have not undertaken without a due sense of its difficulty and responsibility. And if I have abstained from prefacing my observations with any appeal for the indulgence of this House, it has not been because I have felt the need of it less than any one of my predecessors; it is because experience has shown that that indulgence, almost before it is asked for, is always in these cases freely and liberally bestowed. My anticipation has been realized in a manner for which I beg to offer to the House my heartiest thanks. The hon. Gentleman concluded by moving—

“That an humble Address be presented to Her Majesty, to thank Her Majesty for the Most Gracious Speech delivered by Her Command to both Houses of Parliament:

“Humbly to thank Her Majesty for informing us that Her Majesty continues to receive assurances of friendship from all Foreign Powers, and that the peace of Europe remains unbroken:

“Humbly to thank Her Majesty for informing us of the termination of the Conference held at Brussels on the Laws and Usages of War, and of Her Majesty's decision not to enter into further negotiations on the subject:

“Humbly to thank Her Majesty for informing us that the Prince of Asturias has been called to the throne of Spain, under the title of King Alfonso XII., and that the question of formally recognising, in concert with other Powers, the newly-restored Monarchy, is under the consideration of Her Majesty's Government:

"To assure Her Majesty that we rejoice to learn that the exertions of Her Majesty's Naval and Consular Servants in the repression of the East African Slave Trade have not been relaxed, and that we share the hope expressed by Her Majesty that they will bring about the complete extinction of this inhuman traffic :

"Humbly to thank Her Majesty for informing us that the differences which had arisen between China and Japan have been adjusted, and that the good offices of Her Majesty's Minister at Peking have been largely instrumental in bringing about this result :

"To assure Her Majesty that we rejoice to learn that the past year has been one of general prosperity and progress throughout Her Majesty's Colonial Empire :

"Humbly to thank Her Majesty for informing us of the progress which has been made in the establishment of civil government on the Gold Coast, and that Her Majesty has procured the assent of the protected tribes to the Abolition of Slavery :

"Humbly to thank Her Majesty for informing us that Her Majesty has found it necessary to review the sentence passed upon a Native Chief in Natal, and to consider the conditions of the Tribes and their relations to the European Settlers and to Her Majesty's Government, with the view of ensuring a wise and humane system of Native Administration in that part of South Africa :

"Humbly to thank Her Majesty for informing us that the King and Chiefs of Fiji having renewed the offer of their Islands unfettered by conditions, Her Majesty has thought it right to accept the cession of this Territory :

"Humbly to assure Her Majesty that we rejoice to learn that an ample harvest has restored prosperity to the Provinces of Her Majesty's Eastern Empire, which, last year, were visited with famine, and that by the blessing of Providence the measures adopted by Her Majesty's Indian Government averted the loss of life apprehended from that calamity :

"Humbly to thank Her Majesty for informing us that the Estimates for the approaching financial year will be laid before us without delay, that the condition of the finances is satisfactory, and that the general prosperity of the People, supported by an excellent harvest as well as by the recent reductions in taxation, has been fully maintained :

"Humbly to assure Her Majesty that our careful consideration shall be given to the measures which may be submitted to us, and that

we earnestly join in Her Majesty's prayer that our deliberations may, under the Divine blessing, result in the happiness and contentment of Her Majesty's People."

MR. WHITELAW : In rising to second the Motion which has just been made, let me say that I could not have presumed to occupy the position I now do, but from a sense that in my being called to do so, there was conveyed a compliment to the important constituency for which I have the honour to be one of the Members. I feel assured of the usual indulgence of the House to one in my position, and I will endeavour not to tax its patience. The topics in the Speech refer mainly to the action and experiences of the Government since we last met, and to the measures to be submitted on Government authority. Let me refer to some of these. Touching Spain, where the Government of Marshal Serrano has been displaced, and the Prince of the Asturias called to the Throne as Alfonso XII., we are informed the Government are considering, in concert with other Powers, the formal recognition of him as King. The public prints inform us that some other countries have already recognized the new order of things. The quietness with which the change was effected, and the apparently large concurrence of opinion in support of it, give, let us hope, good ground for believing that the future of this noble, though often distracted, country will be distinguished by stability of government and by the establishment of that confidence which is the necessary guarantee for progress, in the development of her rich resources, so full of promise for the increase of her own wealth and of her business relations with other countries. The House will be pleased to be informed of the settlement of the difficulties between China and Japan, which it at one time appeared must result in a war. Recent news state that the Treaty has already been given effect to by the Japanese withdrawing the army they had placed on Formosa, and by the Chinese paying the sums agreed on. Our satisfaction with this settlement is justly increased by the knowledge that it was mainly brought about by the wise counsels and good offices of Mr. Wade, Her Majesty's Representative. During last year this country regarded with approval the

cautious procedure of the Government in reference to the Conference at Brussels. It has been arranged to hold this year at St. Petersburg a Conference having similar objects in view. Our Government, not recognizing that good results of importance were likely to be arrived at, has declined to take part in the Conference. The progress of civilization and the force of enlightened public opinion may, I think, be trusted to secure all that the Conference can secure in mitigation of the horrors of war. There are probably larger questions than that involved, the bearing of which we may fear would be to weaken the smaller Powers in case of invasion, and to reduce the importance of naval strength. The country will approve the action of the Government, and will not, I think, be likely to countenance changes which might cripple the power of any country to defend its independence, or which would hinder those who are attacked in war from making the best use of every advantage they possess or can command. It is very satisfactory to observe the energetic endeavours which are being made by Her Majesty's naval and consular agents for the putting an end to the Slave Trade on the East Coast of Africa. Though the Sultan of Zanzibar does not represent a great Power, yet he occupies a position which enables him to be, in combination with Great Britain, a power of importance in putting down this Slave Trade. The horrors of the trade will be present to the minds of all, especially at this time, when we have but recently had presented to us the last journals of Dr. Livingstone. The devastations wrought by the slave traders in the interior of Africa, as told by Dr. Livingstone, are appalling. The revelations of that devoted man inspire an ardent desire to work for the breaking down of this horrible system. As an outcome of this desire, missions, or rather little colonies, are being organized to proceed to Africa, to carry on work in the country traversed by Livingstone. These colonists are to engage in the spreading of the Gospel, and also in the teaching of industries to the Natives. The promoters of these missions or colonies regard it as a special inducement to their proceeding with the undertaking, that by settling them on the track of the slave traffic, they expect to contribute mat-

rially to the stopping of the traffic and of the horrors connected with it. It is satisfactory to have the prospect of many efforts conducing to the same good end. Nothing will accord more with our national sentiment than arrangements for effectually ending this trade. I am persuaded the House will be glad to hope that the influence of the Sultan of Zanzibar, and every available influence, will be joined with that of the Government of this country for the extinction of the Slave Trade on the East Coast of Africa. It is most gratifying that the very grave Famine pressing upon part of India a year ago has been met with so much energy, attended with so much success. Let us render thanks that the Government of India have been enabled to devise and work out schemes of relief, which have resulted in carrying the stricken people through the famine with, I may say, no loss of life. Doubtless, there was much suffering and privation, and a few died from the effects of the Famine, but the common annual death-rate was not exceeded. The nation was deeply touched by the trials overshadowing part of India last year, and was possessed by the intensest concern that every possible endeavour should be made to avert the bitterness of the impending calamity. The voluntary giving of our people was but a feeble expression of the interest the nation felt. Yet that voluntary giving could not fail to touch the Native mind with a grateful knowledge that British hearts felt for Indian woes, and desired to be present with the sufferers with comfort and relief. The discussion upon Fiji in this House last Session left us all prepared for the announcement, now formally made, that the Fiji Islands have been annexed to Great Britain as a new colony. The offer of cession was unconditional, and the Crown enters on possession untrammelled with conditions. I think there will be a general approval of the action of Government, and of the addition to our Colonial Empire of these Islands, which are very fertile in valuable productions, and which offer so good and suitable a station for shipping on the highway between Australia and North America. Last Session there was anxiety exhibited lest the settlement of Gold Coast affairs might prove to be not conformable to the sentiments of this country. The information given us in the

Mr. Whitelaw

Speech concerning affairs at the Gold Coast is most re-assuring, and should lead us all to mark with approval the result of the work of the Colonial Office. It has made good progress in establishing a satisfactory rule in the Protectorate, and far from confirming or countenancing slavery, it has succeeded in inducing the protected tribes to agree to the abolition of it. Her Majesty's Speech informs us that the House will be consulted as to certain Acts which specially affect Ireland. These Acts were passed in the interests of public peace and security in Ireland. We have public peace and security in Ireland. No doubt there are those—perhaps, not a few—who will be disposed to allege that the present peace and security are due to the influence of these Acts. Ireland is tranquil. Tranquillity without such Acts accords more with the spirit of our institutions, and I am sure the House generally will be pleased that a measure is to be submitted to the consideration of Parliament, aiming at dispensing with the continuance of some of these Acts, or some parts of them. Whatever length the measure submitted may go, I am sure the House will be glad to go into resigning some of these guarantees for peace hopefully for the future—that is, hoping that Irish patriotism and Irish loyalty will prove fully equivalent to the removal of existing abnormal legislation, and that the absence of crime in Ireland will continue to prevail. For Scotland a Land Transfer Act was passed last year, and a most valuable measure it is. I trust the Land Transfer Bill now to be introduced will be perfected by Parliament, and this year become law. Touching the Judicature Acts, I would like simply to remark that if in the wisdom of Parliament, the Court of Final Appeal is to be removed from the House of Lords for other parts of the country, it will not be prudent for Scotsmen to suggest a different Court for Scotland. But I desire to take this opportunity of saying what I believe Scotsmen generally will support me in—namely, that Scotland has viewed with complete confidence and satisfaction, the discharge by the House of Lords of the functions of the Final Court of Appeal. As to the Landlords and Tenants Bill, it is perhaps too purely an English matter for me to appreciate it fairly. Besides, we do not know what it is to be. I confess myself strongly predisposed to think

that it would be well if landlords were induced to execute and pay for all improvements of a permanent nature—the landlords receiving compensation therefor from the tenants, in the shape of increased rent. Whatever may be the provisions of the Bill, I am sure the House will be glad to have the matter brought before them on the responsibility of Government. General satisfaction will, I think, be felt with the proposal to establish in England the office of Public Prosecutor. The Bills relating to the Consolidation of Sanitary Acts, Artizans' Dwellings in Towns, and Pollution of Rivers, are Bills which the country will be especially satisfied are to be introduced. The need for such legislation is clamant, and it is well that Parliament should, in the absence of exciting political topics, devote itself to the consideration of the problem—how best to secure the health of the population, and also the purification of our rivers, alike for the purposes of health and for the purposes of industry and commerce. The number of sanitary Acts is confusing. The consolidation of them will make it possible, I hope, for ordinary people, with reasonable application, to know the sanitary law, and to make themselves of use in the working of it out. Concerning dwellings in towns, it is universally admitted that, in many places, dwellings are terribly crowded together; in other words, that the number of people living on an acre, or on a given space, is excessive, and is most detrimental to the health of the community. The number of people living in one dwelling is an important element, affecting the health of the inmates; but probably a worse evil than that of too many people in each dwelling is the crowding of dwellings closely together—there, probably, the two evils are combined. There, sunshine cannot enter, and fresh air cannot circulate. Not only do such places exist, but I am afraid it is too true that houses but lately erected—houses now being erected—are liable to the same objections. Besides the overcrowding of houses, there are many defects in construction that might very properly be remedied by the enforcement of rules. The very high death-rate in some towns demands immediate action, to provide not only against the perpetuation of existing evils, but also against the increase of the area of popu-

lation presenting the conditions recognized as supporting a high death-rate. No doubt, there are many competing theories as to the causes of a high death-rate; but I do not think any of them will reject as essential elements in a remedy:—1st., a sufficient open area adjoining houses or a limited population per acre; 2nd., restrictions as to the laying out of ground, so as to secure the free circulation of air; 3rd., the enforcement of conditions in construction calculated to secure for the several dwellings independent ventilation, and such isolation as would prevent the intercommunication of the air of different dwellings; 4th., the watchful control of the connections of dwellings with sewers—or what may be better—the prevention of such connections. Houses are being erected in blocks elsewhere than in towns. Each block may be the nucleus of a new town. It will be well to consider whether the operation of this Bill should not be extended to blocks or ranges of houses in the country, so as to secure generally, in connection with houses, the physical conditions favourable to health. The City of Glasgow has, for years, been working out its city improvement scheme. A Private Bill was promoted and an Act got giving Commissioners power to purchase compulsorily the property within the limits of certain localities described in the Act. These localities were the most densely-peopled parts of the city. Great works have been carried out—in the purchase of the properties, in the demolition of old houses horribly huddled together; in forming wide streets, and in laying out the ground adjoining these streets for the construction of new buildings. The people displaced by the demolitions have moved into other quarters, and occupy better and larger houses, and pay higher rents. The average density of the population per acre over the city has been, by the operations of the trust, changed for the better; yet the death-rate of Glasgow is very high. The moral and physical deterioration of the people, induced by long-continued over-crowding, is not to be remedied immediately. Time and perseverance in remedial measures are necessary. The rectification of such evils all over the country is no light matter, and will take time, even if followed out with the most earnest perso-

verance. The consideration and discussion of this subject, resulting in the passing of an Act that would secure for town and country the amendment of such existing evils, and that would induce the abundant provision of houses meeting proper sanitary conditions, would be a work of the highest importance to the nation, and consequently one on which Parliament might most profitably employ its time. I anticipate there is work of this kind to be put before us in these Bills, and believe the House will be glad that such is the case. In the matter of the pollution of rivers a most difficult problem is presented. The law does provide they should not be polluted, but a great hindrance to the beneficial operation of the law is the difficulty, not yet satisfactorily overcome, of not knowing how to dispose of that which causes the pollution. A commission has been appointed to examine and report as to the purification of the Clyde. The report, let us hope, will throw light on the solution of this important difficulty. It does not appear that the very bad state of the Clyde raises the death-rate in the districts abutting on the river, yet who will undertake to say that the offensive exhalations from it would not in case of some epidemics greatly increase the gravity of the danger threatening the population? In any case it will be considered essential that the abominable condition of the river should not continue, and that measures be taken which will restore its waters to a tolerable state of purity. As with the Clyde, so with other rivers. That a Merchant Shipping Bill is to be introduced by the Government will be hailed with satisfaction. The subject has been for a long time before the country. The whole nation is deeply interested in all that concerns merchant shipping, and will expect the time and attention of the House to be given to the perfecting this Session of a measure well calculated to secure the greatest safety in voyages, and the development of a British Mercantile Marine of the highest character. There had in some quarters been so much said concerning the Labour Laws that it was thought necessary a year ago to appoint a Royal Commission to inquire into and report upon them, in order that they might be considered calmly and reasonably, in the light of the full information

Mr. Whitelaw

to be communicated to Parliament by the Commission. The labours of the Commission are not yet completed, but it is expected the Commission will issue a final Report soon. The impression will, I think, be a common one—that the importance attached to the complaints respecting the operation of these laws is not borne out by the evidence supplied in the Report thus far issued by the Commission. When we are put in possession of the final Report, and Government submits the measure referred to in the Speech, I am sure the House will address itself with care to the consideration of the measure, having in view the securing of the implement of contract by both employer and employed, and of complete freedom to everyone to guide himself in the conduct of his own affairs without being overborne in any case by intimidation or constraint. I feel I ought to apologize to the House for having occupied so much of its time. I thank the House for the patience with which they have heard me, and beg to second the Motion for the adoption of the Address made so ably by my hon. Friend beside me, the Member for Mid Lincolnshire.

Motion made, and Question proposed, "That, &c." [See page 44.]

THE MARQUESS OF HARTINGTON : Mr. Speaker—Sir, I am confident that upon this occasion, if upon no other, I shall express the feelings of every Gentleman who sits upon this side of the House when I say that we all, without exception, cordially concur in that expression of sympathy with Her Majesty which was so well addressed to the House by the hon. Member who moved the Address for the anxiety which she has lately undergone through the illness under which Prince Leopold has laboured. As we understand, it was Her Majesty's intention to have opened Parliament in person, had she not been prevented doing so by that anxiety. And I am sure, Sir, that it needs no words from me, or from any Member of this House, to assure Her Majesty how deep is the interest which is felt, not only here, but throughout the country, in everything that affects her own welfare and happiness, and that of the family which is so well known among us.

Sir, in the circumstances under which it becomes my duty to rise at this early

period of the debate—circumstances which, I believe, are known to most hon. Members of this House—it is hardly, I hope, necessary for me to ask the House to extend to me its forbearance and consideration. I am as well aware as any hon. Member can be, that, standing in this place where, within my own recollection, I have seen Lord Palmerston, the right hon. Gentleman opposite (Mr. Disraeli), and my right hon. Friend the Member for Greenwich (Mr. Gladstone), I cannot hope or pretend to take the part which was taken by those distinguished men—I cannot hope to take the part which they have taken in the discussions of this House, or to exercise the influence they have exercised over its deliberations. But, at the same time, I am aware that it may be for the convenience of the House, and that it may tend to the despatch of Public Business, that there should be some individual who shall be to some extent responsible for the conduct of Public Business on the part of hon. Members on this side of the House; and if my humble services can in any way tend to the convenience of the House or to the despatch of Public Business, I can only assure the House that, however inefficient, those services will be cheerfully rendered. I have now the satisfaction of passing from this subject, and I hope that it may never again be necessary for me to advert to a subject which must be so unimportant and uninteresting to the House as anything personal to myself must be.

And now, with the permission of the House, I will make a few observations upon the Speech from the Throne which we have just heard read, and upon the Address that has been moved in reply to it. On former occasions a great part of the discussion on the Speech from the Throne has usually turned upon some event or events which have happened since the previous prorogation of Parliament either within the United Kingdom itself or abroad, but with which this country has been more or less directly interested; but I am happy to say that upon the present occasion it will not be necessary for me to dwell at length upon anything which has occurred in the United Kingdom since we were last assembled here. Fortunately, the condition of our own country, and that of Europe also, has been one of the most

although a Commission had been appointed to inquire into the relations between masters and servants, it would be yet possible for the Government to deal with the subject in that Session. Now, in the Speech at the prorogation there were only two of those measures—namely, the Scotch Bill, and the one for the amendment of the Licensing Act—mentioned as having become law; and the two in question had not received Her Majesty's assent in the form in which they had been originally submitted. That Session, however, had by no means been an idle one; indeed, Her Majesty was advised to speak in terms of considerable satisfaction with regard to the legislative achievements of the Session. A paragraph of the Speech to which I am referring was devoted to the Act for the improvement of the health of women and children employed in factories. That was, I believe, an admirable Act; but for the introduction of that measure the Government were not responsible, and the passing of it was mainly due to my hon. Friend the Member for Sheffield (Mr. Mundella); to whom I have no doubt Her Majesty's Government will readily give the credit he deserves. The Scotch Patronage Bill, which also passed, was the result apparently of an after-thought, but was certainly important enough to have merited mention in the Speech at the opening of Parliament. Whether it was the result of a happy thought is, perhaps, more doubtful, seeing that it has already given occasion to a considerable agitation for the disestablishment of the Church of Scotland—a matter upon which but little had been heard before. Well, the Public Worship Bill had also a paragraph devoted to it, but for the introduction of that Bill we were not indebted to Her Majesty's Government; and the warmth of the support which it received from the right hon. Gentleman opposite—I can hardly say from the whole of Her Majesty's Government—seemed to date from the time when it became clear that its provisions would be extremely acceptable to the House; I should be unwilling to say that the Government adopted the Bill in consequence of the unpopularity which seemed to attach to the counter-propositions of my right hon. Friend the Member for Greenwich. There is one other Bill I must refer to, and must make an

inquiry of the right hon. Gentleman opposite about. I should wish to ask him whether the absence of all mention of the Endowed Schools Act is accidental; whether it has not been considered of sufficient importance to be alluded to in the Queen's Speech; or whether the right hon. Gentleman at the head of the Government has repented of the pledge he gave in regard to it. That pledge—which was given in answer to the hon. Member for the University of Cambridge (Mr. Beresford Hope) and the hon. Member for West Kent (Mr. Talbot)—was to the effect that the clauses of the Bill which were withdrawn were not dropped, but simply postponed. It would, I think, be satisfactory to the House to know what are the intentions of the Government on that subject. Well, Sir, I have made this reference to the work of last Session to show that, at all events at that time, Her Majesty's Government were not disposed to exercise a very strict control over the course of business in the House. I should like to know—and I think that the House would like to know—whether we are expected to devote our attention seriously to the measures enumerated in the Speech from the Throne, or whether there is a probability that such measures may be set aside to make room for much less useful but more sensational legislation.

Turning for the moment to those measures referred to in the Speech from the Throne, I come to a reference to the—

“Various statutes of an exceptional or temporary nature now in force for the preservation of peace in Ireland.”

That paragraph seems to me somewhat vague; but I need hardly say that no one will rejoice more than the Gentlemen on this side of the House if, acting upon their responsibility and with the full information that they possess as to the condition of Ireland, Her Majesty's Government find themselves justified in proposing a considerable revision of those measures; and it is equally unnecessary to say that we should still more rejoice if that policy should prove successful in its results. Referring to Ireland, I hope that whilst those who sit near me will be willing to do justice to the Duke of Abercorn and his Colleagues for the energy, fairness, and impartiality of their Irish administra-

tion, Her Majesty's Government also will not be unwilling to do justice to their predecessors, by admitting that upon the present Government taking office they found the country was in that state of prosperity and freedom from crime which the Lord Lieutenant has more than once admitted, and which has enabled them to offer this great measure of conciliation to the people of Ireland.

With reference to the other measures mentioned in the Speech, I think I need trespass but for a very short time upon the attention of the House. A Bill relating to the transfer of land, and one to complete the re-construction of the Judicature were sacrificed last Session, although they had been introduced by the Government itself, to make room for some of those other measures to which I have already adverted, and I understand that it is not improbable that the difficulties which the Government have to deal with in passing these measures have been not a little increased by the delay; but I trust it is the intention of Her Majesty's Government to prosecute them in earnest during the present Session. Bills are promised for the improvement of the dwellings of the working classes in large towns, for the consolidation and amendment of the sanitary laws, and for the prevention of the pollution of rivers. I must, in referring to this paragraph, congratulate my hon. Friend the Member for Hastings (Mr. Kay-Shuttleworth) upon the effect which his able statement of last Session has had upon Her Majesty's Government, and I will congratulate the Government on the promptitude with which they have acted on the suggestion then made. I agree with the hon. Member who seconded the Address (Mr. Whitelaw), and who referred to what had been done in this direction at Glasgow, and I have no doubt that he and other Scotch Members who sit on both sides of the House will be able to give Government valuable assistance in perfecting the measure. No information has been given as to the character of the measure; but I trust it will proceed upon the lines of the local Acts of Glasgow and Edinburgh, and will enable the municipalities or local bodies of large cities to make the necessary and required improvements. I think that when Government comes to deal with the improvement of dwellings in large towns, and with the pre-

vention of the pollution of rivers, it is probable they will find that their labours would have been greatly simplified, and would have promised more satisfactory results, if something had been done to improve the present system of local administration. It is possible that their well-meant efforts will tend to increase the confusion which it is admitted at present exists in connection with the work of local bodies. I hope that the Report of the Royal Commission that was appointed to inquire into the state and working of the laws with regard to trade is ready, or nearly so, to be presented to Parliament, and that legislation on the subject will not be long delayed. It is a subject that nearly touches the interests and even the liberties of a very large number of our fellow-subjects; it is a question on which large masses of our working population feel deeply and feel strongly; and judging from the opinions of others who are more competent to deal with it than I am, it is one upon which they have a right, to some extent, to feel aggrieved. I therefore venture to express an earnest hope, on behalf of myself and those who sit near me, that Her Majesty's Government will make an effort to deal with the question this Session.

Sir, I cheerfully admit that there can be no Government better fitted to deal with the question of Agricultural Tenancies than the present Government. I trust they will take it up—as I have no reason to doubt they will take it up—in a fair and liberal spirit; considering as much the case of the tenants as that of the owners of land, and considering also as much the case of the consumers as that of the producers of food. It may be doubtful whether there is room for great change in these respects. As I have said, there is no body better fitted to deal with the subject than the present Government, and I am sure that the House will cordially co-operate with them in considering any well-constructed measure with reference to it.

Having now briefly glanced at some of the measures enumerated in Her Majesty's Speech, there is one topic that is omitted from it on which I should like to say a word. Sir, the House will have observed that there is no mention whatever in the Speech of the subject either of Local Government or of Local Taxation, and I think their omission, espe-

although a Commission had been appointed to inquire into the relations between masters and servants, it would be yet possible for the Government to deal with the subject in that Session. Now, in the Speech at the prorogation there were only two of those measures—namely, the Scotch Bill, and the one for the amendment of the Licensing Act—mentioned as having become law; and the two in question had not received Her Majesty's assent in the form in which they had been originally submitted. That Session, however, had by no means been an idle one; indeed, Her Majesty was advised to speak in terms of considerable satisfaction with regard to the legislative achievements of the Session. A paragraph of the Speech to which I am referring was devoted to the Act for the improvement of the health of women and children employed in factories. That was, I believe, an admirable Act; but for the introduction of that measure the Government were not responsible, and the passing of it was mainly due to my hon. Friend the Member for Sheffield (Mr. Mundella); to whom I have no doubt Her Majesty's Government will readily give the credit he deserves. The Scotch Patronage Bill, which also passed, was the result apparently of an after-thought, but was certainly important enough to have merited mention in the Speech at the opening of Parliament. Whether it was the result of a happy thought is, perhaps, more doubtful, seeing that it has already given occasion to a considerable agitation for the disestablishment of the Church of Scotland—a matter upon which but little had been heard before. Well, the Public Worship Bill had also a paragraph devoted to it, but for the introduction of that Bill we were not indebted to Her Majesty's Government; and the warmth of the support which it received from the right hon. Gentleman opposite—I can hardly say from the whole of Her Majesty's Government—seemed to date from the time when it became clear that its provisions would be extremely acceptable to the House; I should be unwilling to say that the Government adopted the Bill in consequence of the unpopularity which seemed to attach to the counter-propositions of my right hon. Friend the Member for Greenwich. There is one other Bill I must refer to, and must make an

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That paragraph seems to me somewhat vague; but I need hardly say that no one will rejoice more than the Gentlemen on this side of the House if, acting upon their responsibility and with the full information that they possess as to the condition of Ireland, Her Majesty's Government find themselves justified in proposing a considerable revision of those measures; and it is equally unnecessary to say that we should still more rejoice if that policy should prove successful in its results. Referring to Ireland, I hope that whilst those who sit near me will be willing to do justice to the Duke of Abercorn and his Colleagues for the energy, fairness, and impartiality of their Irish administra-

tion, Her Majesty's Government also will not be unwilling to do justice to their predecessors, by admitting that upon the present Government taking office they found the country was in that state of prosperity and freedom from crime which the Lord Lieutenant has more than once admitted, and which has enabled them to offer this great measure of conciliation to the people of Ireland.

With reference to the other measures mentioned in the Speech, I think I need trespass but for a very short time upon the attention of the House. A Bill relating to the transfer of land, and one to complete the re-construction of the Judicature were sacrificed last Session, although they had been introduced by the Government itself, to make room for some of those other measures to which I have already adverted, and I understand that it is not improbable that the difficulties which the Government have to deal with in passing these measures have been not a little increased by the delay; but I trust it is the intention of Her Majesty's Government to prosecute them in earnest during the present Session. Bills are promised for the improvement of the dwellings of the working classes in large towns, for the consolidation and amendment of the sanitary laws, and for the prevention of the pollution of rivers. I must, in referring to this paragraph, congratulate my hon. Friend the Member for Hastings (Mr. Kay-Shuttleworth) upon the effect which his able statement of last Session has had upon Her Majesty's Government, and I will congratulate the Government on the promptitude with which they have acted on the suggestion then made. I agree with the hon. Member who seconded the Address (Mr. Whitelaw), and who referred to what had been done in this direction at Glasgow, and I have no doubt that he and other Scotch Members who sit on both sides of the House will be able to give Government valuable assistance in perfecting the measure. No information has been given as to the character of the measure; but I trust it will proceed upon the lines of the local Acts of Glasgow and Edinburgh, and will enable the municipalities or local bodies of large cities to make the necessary and required improvements. I think that when Government comes to deal with the improvement of dwellings in large towns, and with the pre-

vention of the pollution of rivers, it is probable they will find that their labours would have been greatly simplified, and would have promised more satisfactory results, if something had been done to improve the present system of local administration. It is possible that their well-meant efforts will tend to increase the confusion which it is admitted at present exists in connection with the work of local bodies. I hope that the Report of the Royal Commission that was appointed to inquire into the state and working of the laws with regard to trade is ready, or nearly so, to be presented to Parliament, and that legislation on the subject will not be long delayed. It is a subject that nearly touches the interests and even the liberties of a very large number of our fellow-subjects; it is a question on which large masses of our working population feel deeply and feel strongly; and judging from the opinions of others who are more competent to deal with it than I am, it is one upon which they have a right, to some extent, to feel aggrieved. I therefore venture to express an earnest hope, on behalf of myself and those who sit near me, that Her Majesty's Government will make an effort to deal with the question this Session.

Sir, I cheerfully admit that there can be no Government better fitted to deal with the question of Agricultural Tenancies than the present Government. I trust they will take it up—as I have no reason to doubt they will take it up—in a fair and liberal spirit; considering as much the case of the tenants as that of the owners of land, and considering also as much the case of the consumers as that of the producers of food. It may be doubtful whether there is room for great change in these respects. As I have said, there is no body better fitted to deal with the subject than the present Government, and I am sure that the House will cordially co-operate with them in considering any well-constructed measure with reference to it.

Having now briefly glanced at some of the measures enumerated in Her Majesty's Speech, there is one topic that is omitted from it on which I should like to say a word. Sir, the House will have observed that there is no mention whatever in the Speech of the subject either of Local Government or of Local Taxation, and I think their omission, espe-

cially the omission of Local Taxation, is a matter that must excite surprise in the minds of hon. Gentlemen opposite. Both the votes and the speeches of right hon. Gentlemen opposite, declared alike in opposition and in office, certainly would have led to the impression that they intended that this subject would not have been "conspicuous by its absence" on this occasion. In 1872, the right hon. Gentleman opposite, with, I believe, the whole of his Colleagues, voted for the Resolution of the hon. Member for South Devon (Sir Massey Lopes), which declared—

"That it is expedient to remedy the injustice of imposing Taxation for National objects on one description of property only, and therefore that no legislation with reference to Local Taxation will be satisfactory which does not provide, either in whole or in part, for the relief of occupiers and owners in counties and boroughs from charges imposed on ratepayers for the administration of justice, police and lunatics, the expenditure for such purposes being almost entirely independent of local control."

And in the course of the debate on that Motion the right hon. Gentleman at the head of the Government said—

"This question, it must be remembered, has been actively before us for at least a quarter of a century. When it was first introduced to the notice of the House, the burdens of real property, though considerable, were by no means as excessive as at present; but during that period the expenses of the possessors of real property have constantly increased for public purposes, their control over that expenditure having almost proportionately diminished."—[3 *Hansard*, ccx. 1397.]

Again, in making his Financial Statement last year, the right hon. Gentleman the Chancellor of the Exchequer made this declaration—

"But it is not simply because we have taken an interest in it, or because we have taken a course which pledges us to give early attention to the subject, that we put it first in the list of objects of consideration. We put it first because it seems to us, upon the whole, the object of the highest national interest at the present time. . . . But it now seems to us that there is another side to the question of Finance which stands as much in need of attention and reform as did the side of indirect taxation in the days of Sir Robert Peel and in the year 1842, and that is the great question of our direct, and especially of our direct local, taxation."—[3 *Hansard*, ccxviii. 650-1.]

And he prefaced the proposal he was then about to make by these words—

"We intend, therefore, to make proposals with regard to the relief of Local Taxation in the present year. They must be regarded not as absolutely final, but as proposals which we

think will meet the present emergency, and will to a great extent facilitate what we may have to do hereafter."—[*Ibid.* 657.]

Sir, the right hon. Gentleman then proceeded to make certain proposals, and he gave relief to the ratepayers to the extent, I think, of about £1,000,000. But what is to be inferred from the absence of all mention of this subject in the present Speech? Are we to understand that the proposals of the Government last year were final proposals; or are we to understand that the consideration of the question has been indefinitely postponed? Or, in the third place, are we to understand that, the attention of Parliament having been previously called to the whole subject, the course of last year is to be again repeated, and further relief is to be given to the ratepayer, without making any attempt to deal with the question of the improvement of Local Administration? Now, if either of the first two courses are contemplated by the Government—that is to say, if their proceedings of last year are to be understood as final, or if there is to be an indefinite postponement of the subject—I think that would be an announcement which would certainly not recommend itself to the supporters of the right hon. Gentleman opposite. The late Government proposed to make concessions to the ratepayers to the amount of £1,200,000. That proposal was not accepted as satisfactory by right hon. Gentlemen opposite; and I cannot believe that the ratepayers will be willing to accept from those who have always professed themselves their warmest friends a smaller amount of relief than was rejected with something like scorn from Gentlemen who sit on this side of the House. But if the third course is contemplated by the Government, and we are this year to have a repetition of the policy of last year, I cannot but think it is a course that is open to the very gravest objection. We on this side of the House took but little exception to that course last year, because we yielded to the arguments of the Chancellor of the Exchequer, who pleaded that he had not had time to consider the whole subject, and at the same time was unwilling to distribute the whole of his large surplus without granting some relief to the ratepayer. But the Government have now had time, if they choose to consider the

whole question. The question of Local Administration as well as that of Local Taxation is one which is almost universally admitted to require, and must receive soon, a searching examination. There is confusion of the area of rating, there is inequality in the incidence of rating, there is confusion and want of unity and waste of power in connection with the local administrative bodies. Sooner or later the matter must be taken up by some Government or another; and it cannot, I think, be otherwise than obvious to the House that that Government loses very great advantages in dealing with this important subject which gives away beforehand all that it has to give, reserving till some indefinite period the thorough handling of all the difficult and complicated questions of local administration.

Sir, I think I have now concluded all that it is necessary for me to say, both as to what is contained and what is not contained in Her Majesty's Gracious Speech. Before I sit down, however, perhaps the House will permit me to make one somewhat general observation on the legislative proposals of the Government. They appear to me to be, on the whole, proposals of a wise, a salutary, and a beneficent character. They are proposals eminently adapted to be considered by the Legislature of a prosperous and a contented country in a time of peace and quietness. But, Sir, is the list of measures presented to our notice in this Speech in any degree analogous to that which anyone would have anticipated who had formed his opinions on the state of the country from listening to the speeches delivered during the last few years in this House? Let us suppose, if we can, the case of an individual so unfortunate as to be debarred from access to any information save that which he derived from perusing the speeches of Conservative Members, and the articles in Conservative newspapers. Let such a person be told that the Conservative Party had been returned to Parliament with a great majority, and at the opening of the first Session in which the Conservative Government have had full time to prepare their measures—let him be asked to suggest what he thinks will be the policy announced in the Speech from the Throne. He would naturally turn in the first place for a moment to Ireland. He would say—

“I think that unfortunate country must by this time be in a dreadful condition. You have had the Church disestablished; religion and morals must have altogether disappeared; crime must be more frequent in that country than ever. You have robbed the landlords of a great portion of their property. You have encouraged the Irish people to believe that by a little more agitation they may easily get the remainder. What a state that country must be in! It must be by this time (he would say) in a state not only of ‘veiled rebellion,’ but of open rebellion. No doubt, the first measure which the Conservative Government will have to propose to the House will be to double the garrison of Ireland and at once proclaim martial law.” Then, turning from the state of Ireland to the state of the Army, the same person would say—“The late Government insulted and plundered the officers, they must, therefore, be in a state not very far removed from open mutiny; and, as for the battalions of the Army, they must be entirely empty.” Now, the first thing a Conservative Government would naturally be supposed to do, under those circumstances, would be to ask for large additional Estimates, to remedy the grievances of the officers, and to have recourse to a system of universal conscription. Turning from the Army to the Navy, he would assume that it was impossible that we could have more than two or three iron-clads in our fleet, and those of the most antiquated description. The first thing, it would occur to him, that a new Government would do under the circumstances would be to propose a large loan, in order to build additional ships. Looking at the Colonies, he would say—“Those people have been in office for five or six years, and they must have alienated the affections of everyone of your colonies; they must all be on the brink of separation, and no island in the Southern Seas can be so misgoverned that it would ever invite England to undertake the administration of its affairs.” Finally, I think he would look at home, and he would say that in the midst of all this ruin and desolation, which was brought upon the country by the late Government, there was, however, one cheering prospect. He would say—“Whatever happens, whatever may be the state of mismanagement that is

going on, there is now one consolation, and that is, that the farmers and rate-payers will get some relief." He would say—"Our friends have been talking for years about the relief of the rate-payers; no doubt, £5,000,000 or £6,000,000 could be devoted to the relief of the ratepayers, and if that must be obtained by the imposition of a 6*d.* income tax it cannot be helped; it is what our friends always said ought in justice to be done." Now, I submit to the House that I have been drawing a picture which is scarcely, if at all, exaggerated. The materials for it I have drawn simply from the declarations which have been made by hon. Gentlemen opposite in thousands of speeches, and in newspaper articles, both during the existence of the late Government and since their retirement from office. I now commend to the House the careful consideration of the difference between the wise and temperate policy actually presented by Her Majesty's Government for the consideration of this House, and that which, from the writings and speeches to which I have referred, we were not unnaturally led to expect.

MR. DISRAELI: I am sure that the practical way in which the noble Lord has dealt with the Address, which has been moved by my hon. Friend behind me, renders any apology unnecessary from him for undertaking to fill the post he now occupies. Hon. Gentlemen on his side of the House will, I feel confident, believe me when I tell them that we learnt from our respected opponents, with great satisfaction, that we were about to meet Parliament with a recognized authority in one who would undertake the chief business of their political connection. It has been the boast of the House of Commons for a long period that, even when political passion runs high and party warmth becomes somewhat intense, there should exist between those Members of both parties who take any considerable share in the conduct of their business, sentiments of courtesy and, when the public interest requires it, even of confidence, which tend very greatly to facilitate the business of the country to the public advantage. I trust that feeling will in our time never cease, and I can truly say, without making or intending to make any observation of a personal or invidious nature, for Gentlemen on this

side of the House, that it is matter of satisfaction to us that the chief business of our opponents is to be conducted by one who, in the course of many years in this House, has obtained equally our respect and our regard.

Now, Sir, the noble Lord has been somewhat critical on those paragraphs in the Gracious Speech from the Throne which refer to foreign affairs, especially that which relates to recent occurrences in the Kingdom of Spain. I must, however, confess that I did not clearly collect the exact drift of the observations of the noble Lord on that subject. I understood that he complained in some manner of the conduct of the Government. He seemed to think we had been lacking in courtesy to Marshal Serrano, in having intimated that we were considering whether it was our duty to recognize the existing Government. That could hardly be the case, for so far as I am informed, Marshal Serrano has not been slow to recognize the Spanish Government himself. But then the noble Lord proceeded upon the assumption that the paragraph in the Royal Speech was drawn up with the object of obtaining from the House of Commons an indication as to the course which in its opinion, Her Majesty's Advisers should pursue in reference to the accession of King Alfonso to the Spanish Throne. Now, I can only say that that representation of the noble Lord, though I have no doubt it is sincere, is at the same time, entirely mistaken. We have no wish whatever to call upon the House of Commons to assist us in the advice we should give Her Majesty in a matter which is highly important. The language employed in the Speech simply expresses the exact situation with regard to the question now occupied by Her Majesty's Advisers. They are, in concert with other Powers, considering the question of formally recognizing the Monarchy in Spain, and we shall be prepared to announce our decision upon it, and to vindicate that decision when required. The House will see that if we are acting in concert with other Powers, we ought to be fully and clearly acquainted with the opinions of those Powers before we resolve on our course. The noble Lord then proceeded to the question of India, and I am sure he could find no fault with the accuracy of the paragraph which, in the Queen's Speech, is devoted

to that subject. He seemed, however, to think that we had been somewhat scant in our acknowledgment of the great public services of Her Majesty's Viceroy, and of the manner in which he encountered that terrible calamity which at one time seemed almost to be inevitable in that part of Her dominions. But the noble Lord acknowledged that in the Speech from the Throne on the occasion of the Prorogation, when the subject was naturally touched upon, that the Government did full justice to the great exertions and the great virtues of Lord Northbrook, and I believe when the time arrives that that noble Lord may probably have occasion himself to address his countrymen on so important an event in his Viceroyalty, we shall have from him no indication that he has not been supported throughout those trying circumstances with all the possible energy and sympathy of those who at present advise the Crown.

Then the noble Lord proceeded to the financial paragraph of the Speech, and on that lavished considerable criticism. The objection which he took to it seems to me, however, to be somewhat strange. He finds fault with it, because it is not prospective, and thinks that in the Queen's Speech we ought to favour the House with that interesting statement which, in the course of a few weeks, my right hon. Friend the Chancellor of the Exchequer will offer to your consideration. Now, I apprehend that hitherto it has never been the custom to insert a Budget in the Queen's Speech. What may be the future conduct of Governments in that respect when hon. Gentlemen opposite are in office I cannot say; but it will certainly require considerable investigation before we adopt that mode of introducing to the notice of the country the state of our finances. The noble Lord then went on to call our attention to what he appeared to regard as a very serious point. While on the whole, he seemed to approve the Royal Speech, and while he led us to hope that we should be perfectly unanimous in agreeing to the Address which has been moved with so much ability by my hon. Friend behind me, he said he wished to have some surety that the subjects mentioned in the Speech would ever be heard of again, to learn something more of the

programme of measures which we propose to submit to the notice of the House during the course of the Session, and whether we shall adhere to that programme. The noble Lord has had considerable experience of Parliamentary life; he has been a Member of more than one Ministry, and a Member, I think, of a Ministry under whose auspices the business of the Session has differed considerably from the programme laid down. I cannot understand, therefore, why the noble Lord should say that the Government should take the earliest opportunity of stating what measures will be considered, seeing that circumstances may arise which may prove that there are higher duties to fulfil, and greater objects to attain, than short-sighted mortals—and I am afraid Ministers must be acknowledged to be short-sighted mortals—can foresee on the first day of the Parliamentary Session. I can give the noble Lord no security whatever that the business of this Session will at all realize the programme. At present, all I can say is, that with the assistance of the House, it is our intention to bring forward and carry the measures we have enumerated, but you may have revolutions—you may have great catastrophes—you may have ecclesiastical misconceptions—you may have a revival of those burning questions which were the pride of the Ministry of the noble Lord and his Colleagues. I cannot answer for what may be the consequences if such unhappy circumstances should occur; but, at present, this is our programme; and I trust that the business of the Session—when it is over—will offer, upon the whole, a fair fulfilment of the expectations which we have held out. "But," the noble Lord has said, "there were some measures introduced last year which you are to introduce again, and endeavour to carry; and there are some you have dropped, although you promised last year that they should be again brought forward." There is that favourite measure of the noble Lord and his Friends, the Endowed Schools Bill. The noble Lord has said, "Are you going to deal with the Endowed Schools?" Well, there is now a Commission, which the noble Lord may not be aware—he is not bound to be aware—is acting with considerable satisfaction to the country. The decisions and conduct of that Commission—compared with those of the

former one — render it extremely desirable that we should take advantage of the experience of the Commission before we trouble the House again on the subject. There is another matter which the noble Lord says is very important, and which he calls upon us to deal with—although in its present position one could hardly suppose or anticipate that we should have noticed it in any other spirit than we have in the Speech—and that is the offences connected with trade. I think the subject is of great importance, but Her Majesty's Ministers are not aware of its importance for the first time. Last Session they would have been very glad if they could have dealt with that subject; but they believed the course they recommended the House to follow, and which the House unanimously agreed to—namely, to issue a Royal Commission, and to avail themselves of the information obtained by that Commission, was the right one to be followed under the circumstances. Until their Report is made we, of course, cannot move in the matter. We believe the Report will be made very shortly, and we shall not hesitate to introduce a measure founded on the recommendations of the Committee and our own opinions on the subject.

The noble Lord next turned to the question of local taxation, and, as I understood, made the great charge against us that our conduct had not been straightforward upon that subject. But I did not, I confess, gather from the noble Lord any proofs in establishment of the position he wished to substantiate. On the contrary, every statement he made tended in exactly the opposite direction. He said — “You have always pretended that you were in favour, as a party, of relieving a certain class in the country from the unjust burden of local taxation, and last year you took a million of money off their backs.” We did do that, and it proved, at any rate, that we were acting in harmony with our statements. “But though doing so,” said the noble Lord, “you despised our previous offer of £1,200,000” — showing the superior sympathy of the noble Lord and his Friends to the amount of £200,000. But I can only say that I, for one, disclaim the charge of the noble Lord, that I have treated with derision or refused that offer of

£1,200,000 to the victims of unjust taxation. That offer was never made. It was talked about on this bench when it was occupied by the noble Lord and his Friends, and there was a suggestion at the same time that they should rob the Queen's Exchequer in the shape of the house duty to the same amount. But no proposition of the kind was ever brought before Parliament. Ours is a practical proposition. The moment we had the opportunity, we appealed to the justice of the House of Commons. We carried the measure we brought forward, and those who were unjustly taxed in our local fiscal system have now for a year been benefited to a great extent, and feel from that circumstance a confidence in the sincerity of those who for so long a time and so fruitlessly advocated the cause of justice. “But,” said the noble Lord, “you never can deal with local taxation in this sort of way. What do you mean to do this year? Do you mean to propose again that a large sum should be voted out of the public money to those who pay this local taxation, or what is your scheme? Until you deal with local taxation in a proper manner, founded on local administration and local control, you are doing nothing.” Now, I must say that the statement of the noble Lord's, that there is nothing in Her Majesty's Speech which holds out the prospect of that system of local control for taxation which he so warmly urges is scarcely justified. At the proper time, no doubt, we shall state what we propose to do with regard to local taxation, but that time is certainly not the first day of the Session. But to come to the specific charge of the noble Lord—that we have no measure for local taxation, or rather local administration, in our programme—I would remind the noble Lord that there are four Bills mentioned in Her Majesty's Speech, which will shortly come before the House, all of which will indirectly touch upon that question. You will establish an improved system of administration more expeditiously, if you endeavour to overcome gradually the immense difficulties in the way, than if you brought forward some large, showy measure which, after it left the hands of the Committee, would be altered to such an extent that the devisers of it would hardly recognize in it any of its original features, and which the country would probably

receive with reluctance and disappointment. These measures will lay the foundation for a system of local taxation. My right hon. Friend the Chancellor of the Exchequer has given Notice to-night of a Public Works Loan Bill, which is intimately connected with this question, and I think he will be able on Thursday to show to the House what are the practical views of the Government upon it.

I have now, Sir, touched in not unfriendly criticism upon most of the points—I believe all—which were mentioned by the noble Lord. I will not attempt to vie with him in the masterly picture which he drew of the contrast afforded between the measures brought forward by the Conservative Government and the speeches made, I know not where, and the articles written, which I never read, by what he calls the Conservative Party. There is a most ingenious, but at the same time most inconvenient course—which I have noticed among many hon. Gentlemen opposite—and to-night the noble Lord has assumed the habit as if he had been born to it—of seeking out the most violent speeches made by the most influential persons in the most obscure places, and the most absurd articles appearing in the dullest and most influential newspapers, and saying these are the opinions of the great Conservative Party. The great Conservative Party has been legitimately, and, I believe, very fairly represented on the bench opposite, when we were enjoying that freedom which is the noble appanage now of those whom I see before me. The opinions of the Conservative Ministry are now expressed from this bench, and we are responsible for them and will not shrink from that responsibility. So I must protest against the grotesque reminiscences of the noble Lord. I trust from what I see that the Address in reply to the gracious Speech of Her Majesty will pass unanimously. I must say that that Address was introduced to our notice by a speech which the House will not easily forget. The manner in which my hon. Friend the Member for Mid Lincolnshire (Mr. Stanhope) vindicated the colonial policy of England, and the masterly way in which he treated the whole question of sanitary reform showed that we have one among us who will take part, I have no

doubt most usefully and most honourably, in the debates that are impending upon the great question of the health of the people. My hon. Friend the Second of the Address (Mr. Whitelaw), from his local experience of Glasgow gave us, not merely upon the subject of the habitations of the artizans, but on the condition of the noble river that was once the greatest ornament of his city, information which I am sure will prove highly advantageous. There was one point in the speech of the noble Lord on which, I am sure, we shall be unanimous—and that is in our sympathy with our Sovereign in the hour of trial which she has recently experienced. It was, as the noble Lord accurately stated, the intention of Her Majesty, even at a late period, to have had the satisfaction of opening her Parliament. It was a great sacrifice on Her part to give it up. But, at any rate, She may experience this consolation, that her Parliament sympathize with her in her sorrow, and now shares her own gratification that that sorrow has not disturbed her Royal hearth.

Motion agreed to.

Committee appointed, to draw up an Address to be presented to Her Majesty upon the said Resolution:—Mr. EDWARD STANHOPE, Mr. WHITELAW, Mr. DISRAELI, Mr. CHANCELLOR of the EXCHEQUER, Mr. SECRETARY CROSS, Mr. SECRETARY HARDY, Mr. HUNT, Sir CHARLES ADDERLEY, Mr. SCLATER - BOOTH, Viscount SANDON, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, Mr. STEPHEN CAVE, Viscount BARRINGTON, Sir JAMES ELPHINSTONE, Mr. WILLIAM HENRY SMITH, and Mr. DYKE, or any Three of them:—To withdraw immediately:—Queen's Speech referred.

House, at its rising, to adjourn till Monday next.

House adjourned at half after Seven o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 8th February, 1875.

MINUTES.]—PUBLIC BILL—*First Reading*—
Increase of the Episcopate (8).

The House met;—

INCREASE OF THE EPISCOPATE BILL [H.L.]

A Bill for enabling Her Majesty and Her Majesty's Successors to divide Dioceses and to erect additional Bishoprics in England and Wales—Was presented by The Lord LYTTLTON; read 1^a. (No. 8.)

And having gone through the Business on the Paper without debate—

House adjourned at a quarter past Five o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 8th February, 1875.

MINUTES.]—SELECT COMMITTEE—East India (Compensation of Officers).

PUBLIC BILLS — *Resolutions in Committee—Ordered—First Reading* — Merchant Shipping Acts Amendment [4]; Bankers Act Amendment [10]; Burials* [11]; Permissive Prohibitory Liquor* [19]; Public Worship Facilities* [22]; Merchant Shipping Acts Amendment (No. 2)* [31].

Ordered—First Reading—Artizans Dwellings [1]; Friendly Societies [2]; Regimental Exchanges [3]; Hypothec (Scotland)* [5]; Universities (Scotland) (Degrees to Women)* [6]; Bankruptcy (Scotland) Law Amendment* [7]; Bills of Sale Act Amendment* [8]; Ancient Monuments* [9]; Game Laws Abolition* [12]; High Court of Justiciary (Scotland)* [13]; Sale of Intoxicating Liquors on Sunday (Ireland)* [14]; Intoxicating Liquors (Sundays)* [15]; Elementary Education (Compulsory Attendance)* [16]; Agricultural Labourers' Dwellings (Ireland)* [17]; Wild Animals (Scotland)* [18]; Household Franchise (Counties)* [20]; Sheriff Courts (Scotland)* [21]; Municipal Corporations (Ireland)* [41]; Glebe Lands (Ireland)* [23]; Contagious Diseases Acts Repeal* [24]; Women's Disabilities Removal* [25]; Church Rates Abolition (Scotland)* [26]; County Boards (Ireland) (No. 2)* [27]; Borough Franchise (Ireland)* [28]; Representation of the People Acts Amendment* [29]; Bank Holidays Act (1871) Extension and Amendment* [30]; Parliamentary Elections (Returning Officers)* [32]; Common Law Procedure Act (1852) Amend-

ment* [33]; Municipal Franchise (Ireland)* [34]; Landlord and Tenant (Ireland) Act (1870) Amendment* [35]; Coroners (Ireland)* [36]; Election of Aldermen (Cumulative Vote)* [37]; Metropolis Local Management Acts Amendment* [38]; Labourers Cottages, &c. (Scotland)* [39]; Sale of Coal, &c.* [40].

FACTORY SYSTEM (INDIA).

QUESTION.

MR. ANDERSON asked the Under Secretary of State for India, If he is aware that an extensive Factory system is growing up in India, without any Government supervision for the protection and health of the women and children employed; whether his attention has been drawn to statements that these women and children are systematically worked for sixteen hours a-day, and in many cases even including Sundays; and, whether the Indian Government will adopt some such Factory legislation as we have in this Country for the prevention of such evils, before they attain greater proportions?

LORD GEORGE HAMILTON: The Secretary of State for India is fully aware of the increase of the factory system, mainly confined to the Presidency of Bombay, and in a recent speech at Manchester he alluded at some length to this increase. Major Moore, the Inspector-in-Chief of the cotton department in Bombay, stated in his last Report that a large number of women and children were employed in the mills near Bombay, and that the hours of labour were long, not being at present limited by Government. He suggested that legislation would speedily be required. The Secretary of State, in a despatch dated the 30th of April, 1874, commended the subject to the best attention of the Government of Bombay. Recently the Secretary of State has received from an unofficial source strong representations of the evil result of the system alleged to be in force in Bombay, and the subject is now engaging his careful attention.

THE IRISH REPRODUCTIVE LOAN FUND.—LOANS TO IRISH FISHERMEN.

QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, Whether the Irish fishermen can obtain loans under "The Irish Reproductive Loan Fund Act" of

last Session, pending the publication of bye-laws by the Commissioners of the Board of Public Works; and, when will such bye-laws be published, and for how long have such bye-laws been before the Irish Privy Council waiting their sanction?

SIR MICHAEL HICKS-BEACH: It is not the duty of the Board of Works to publish the bye-laws under the Irish Reproductive Loan Fund Act. It rests with the Inspectors of Irish Fisheries to issue notices on the subject, with forms of application for loans. It is expected that these will be issued early next week. The bye-laws in question were approved by the Irish Privy Council on the 13th of January. The delay was due to a bye-law having been proposed which the Law Officers did not think was authorized by the terms of the Act.

THE COLORADO BEETLE.—QUESTION.

MR. HERBERT asked the Chief Secretary for Ireland, Whether Her Majesty's Government have taken any steps to prevent the introduction of the Colorado beetle into Ireland by the importation of American seed potatoes, or otherwise; and, should no precautions have already been instituted, what are the intentions of Her Majesty's Government on this subject?

SIR MICHAEL HICKS-BEACH: The subject of the hon. Member's Question was brought under my notice some time back, and I thought it right first to ascertain what steps had been taken by Foreign Governments in the matter. I find that the only Governments which have taken any real action are those of Austria and Belgium. The former has assured the Government of Switzerland, which had warned the European maritime countries of the possible danger, that the importation of American potatoes would be prohibited; and the Belgian Government has introduced a Bill for a similar purpose, which has been agreed to by a Special Committee. I have also made inquiries as to the nature and extent of the evil to be apprehended. I think there is reason to suppose that the harm recently done to the American potato crop has been much exaggerated, and I am informed that the insect in question has been known in America for more than a century. It attacks the stalks and leaves of the potato plant, not the

root, though that naturally becomes diseased in consequence. No potato stalks or leaves are imported from America, and as only healthy roots would be imported, it would seem hardly possible that the insect could be thus conveyed into this country. I am now in communication with the English Privy Council on the subject, because it is obvious that if any preventive measures are adopted, they ought to apply to the whole of Great Britain as well as to Ireland. But I must add that the importation of potatoes into the United Kingdom, especially in the event of a failure of the home crop, is very large, and therefore any interference with this trade would require the most careful consideration on the part of Her Majesty's Government.

THE ADDRESS IN ANSWER TO THE QUEEN'S SPEECH.

Report of Address *brought up*, and read.

SIR GEORGE BOWYER reminded the House that Her Majesty's Speech referred to certain measures of last Session which were dropped, and that amongst the measures so referred to was the Supreme Court of Judicature Act (1873) Amendment Bill. On that subject he wished to say a few words. He had no intention now to raise any discussion on that part of the Judicature Bill to which he specially alluded—namely, that which regarded the ultimate Appellate Jurisdiction of the House of Lords—a question of great importance, and one that caused a considerable amount of discussion last year. He also deprecated any opinion being given by Her Majesty's Government on a subject of so much importance on the present occasion. It was a question, indeed, of such great moment that it would only be properly and safely decided after the most mature consideration. He rose, therefore, only for the purpose of impressing on the Government the expediency of obtaining the opinion of the Judges on the question whether the Appellate Jurisdiction in the *dernier ressort* should or should not continue to be exercised by the House of Lords. He meant the opinion not of the English Judges only, but also of the Scotch and Irish Judges; and he hoped before the Government formed any definite decision on a matter, the importance of which,

both constitutionally and legally, could scarcely be overrated, they would obtain the opinion of those learned persons on that question.

MR. BENTINCK said, that the sudden collapse of the debate on the Address on Friday made it impossible for any Member to offer any remarks at that time, and he was anxious therefore now to say a word or two which he would willingly have said on the previous occasion. After they had heard the very able speeches of the Mover and the Seconder of the Address, they had a speech from the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington) that fully justified the distinction which had been recently conferred upon him by his political Friends. But in the course of that speech the noble Lord did that which he (Mr. Bentinck) was now about to do himself—namely, to express regret at certain omissions in the gracious Speech from the Throne. He would do that, however, on very different grounds from those stated by the noble Lord. The noble Lord expressed his regret that in the Speech from the Throne—which they all understood to be an expression of the opinion of the Government—there was no allusion to “economy.” Now, he should have regretted any such allusion. Hon. Gentlemen opposite sometimes appeared to labour under the erroneous view that Members on the Conservative side of the House took great pleasure in imposing taxes on the country—forgetting that those Members had to pay taxes themselves. On the other hand, it should be remembered that economy was not always a wise and beneficent thing—that unwise economy only meant wasteful extravagance; and he regretted that the noble Marquess should have advocated economy without reference to the grounds upon which it should be practised. With respect to the omissions in the Queen's Speech, there certainly existed in this country, whether well-founded or not, a strong feeling of apprehension that the Navy was not in the condition it ought to be in. He might be told that that was not a question for debate on the Address, but a question for debate on the Estimates. With that view, however, he did not agree. This was a great and grave question, and whilst one which might ultimately affect the Estimates, it was

also one that was fairly entitled to a place in the Speech from the Throne. Again, he might be told that in Her Majesty's gracious Speech we were assured that every hope was entertained of a time of peace throughout Europe; but then nobody could say that war was impossible. There was in the minds of the people of this country not long ago a strong feeling of apprehension that the position of our Navy was not what it ought to be, and the grounds of that apprehension had increased within the last few months. In the first place, what was the condition of our Army? The Army had, according to general opinion, become a mere *nomini's umbra*, and it was feared that in a very short time the number of deserters would rival the number of recruits. If that were so, we were the more bound to look at the condition of our Navy. The increased armaments of foreign Powers rendered it necessary that we should have our own on a more satisfactory footing, not merely for the defence of the country—the defence of the soil—but for the protection of our commercial interests at sea in the event of complications arising by which we might be involved in hostilities. The First Lord of the Admiralty told us last year that he was determined we should not have merely a phantom fleet. The right hon. Gentleman had not the opportunity last year of bringing about the improvements that were desirable; but it was to be hoped, as we were entering on a new Session, that he was about to take measures which would place the Navy of this country in a position to enable us to defend our honour and protect our interests. There was another point of very great importance which must be regarded as an omission from the Queen's Speech. The people of this country had for years past been horrified by numerous and frightful railway accidents. It might be said that that was a matter of detail, and not a question that ought to be raised on the Speech from the Throne; but when we looked at the frightful character of the accidents which had occurred, and their number, it became a question which concerned every man throughout the length and breadth of the land. Seeing that those accidents might be in a great degree ascribed to the maladministration and rapacity of Railway Boards, the time had, he con-

Sir George Bowyer

tended, arrived when it was the duty of the Government to interfere in the public interest. It had been shown by the clearest evidence that the great majority of the accidents on railways might be prevented by a resort to the commonest precautions, which Railway Boards for some cause or other seemed determined not to adopt. As to the financial question, he said it was a question of "blood and money." He knew how strong the railway interest was in that House, and he asserted this—that there was no man in that House who would assert that railway accidents could not be prevented by a careful system. He therefore hoped, inasmuch as the subject was one which concerned the community at large, that his right hon. Friend the President of the Board of Trade, with whose kindness of heart and energy they were all so well acquainted, would take the subject into his serious consideration. It was argued, indeed, on behalf of the railway companies, that further legislation would diminish rather than otherwise the responsibility of Railway Boards; but that was a proposition which he entirely denied, for the more severe and stringent the legislation the greater, he contended, would be the responsibility of those Boards. It was admitted on all hands that these numerous accidents might in most cases be prevented by Government interference and legislation; and, under these circumstances, if the Government were not prepared to deal with the subject, the responsibility must rest on the Government's shoulders. Accidents were occurring nearly every day, which could be prevented by legislation. He therefore asked his right hon. Friend in the interest of humanity to bring forward a Bill on the subject as soon as possible, and put an end to the present state of things.

MR. O'CONNOR POWER observed, that there was only one paragraph in the Royal Speech which referred to Ireland, and that said that—

"The various statutes of an exceptional or temporary nature now in force for the preservation of peace in Ireland will be brought to your notice with a view to determine whether some of them may not be dispensed with."

Now, this was a very excellent paragraph as far as it went; but he thought it would have been more candid on the part of the Government if they had stated what

was the fact—namely, that Ireland was in the enjoyment of profound peace, and that the Judges of Assize had for the last two years had very little work to do; so much so, indeed, that the right hon. Gentleman the Chief Secretary for Ireland, in a speech made at Dublin during the Recess, had openly said that the time had come to consider whether the number of Judges might not be reduced. Perhaps that confession on the part of the Ministers would have involved too direct a compliment to the Sister Isle; but the compliment would, nevertheless, have only been the truth, although it might have reflected too much on the remedial measures proposed for the country—not by the present, but by the past Government. So far as he was concerned, he should feel it his duty not to consent to the retention of a single link of the chain called the Peace Preservation (Ireland) Acts, as he thought from what occurred last Session that the National Representatives had a right to expect that the whole of that most unnecessary and oppressive code would be repealed. In the paragraph in Her Majesty's Speech following the one he had alluded to, it was mentioned that several measures which were postponed last Session would be again introduced. He would observe that five-sixths of the measures alluded to in the Speech at the commencement of last Session had been postponed, and what was the reason of that? Simply, that Parliament had such a quantity of legislation before it that it could not be disposed of even if hon. Members sat from the 1st of January to the 31st of December. Under those circumstances, he thought it would be for the advantage of the Government if they could get rid of some of that legislation; and they might begin to do that by relieving the House of Irish affairs, which were undoubtedly a great burden and cause of grievance to English and Scotch Members. He asked them, therefore, to give Irish Members freedom of thought and action in a Home Rule Parliament, where they might settle their affairs themselves. The hon. Member for Mid Lincolnshire (Mr. E. Stanhope), in moving the Address in reply to Her Majesty's Speech, alluded to the deterioration of the artizan class, caused by their miserable and inadequate dwellings; but what was the case in Ireland?

There you have a country suffering not from the deterioration, but from the extermination of its people. Between the years 1861 and 1871, no less than 1,626 houses disappeared from the face of the county which he had the honour to represent (Mayo), and within the same period 27,496 of the people emigrated to foreign lands. Why was that? It might be said, because there was no room and no land for them in Ireland. Such, however, was not the case, as there were 6,000,000 of acres of waste lands in the country, at least two-thirds of which might be cultivated. It might be asked, Why did not the Irish people cultivate this waste land? He would tell the House. It was because Ireland was one of the few unfortunate countries in which the land was not held by the people, but by an absentee oligarchy, who had obtained it by numerous confiscations, and who were ever ready to assert their rights, but slow to perform their duties. He had not spoken with the desire to introduce any inharmonious element to the somewhat formal proceedings connected with the reception of the Speech from the Throne. He had spoken simply in order that it might be understood at the outset that he — and he believed the Gentlemen with whom he had the honour to act — would not allow the business of Ireland to be neglected. If the Government would not allow them to discuss Irish affairs in a Home Rule Parliament in Dublin, they should hear of them constantly at Westminster.

SIR GEORGE JENKINSON said, he wished to say a few words upon the subject of Local Taxation. There was great dissatisfaction with the small notice taken of this matter last year, and with the total omission of the subject from the Queen's Speech this year. The right hon. Gentleman at the head of the Government said that this was a matter which would be properly dealt with when the Budget came on; but it was to be feared that the surplus would not be sufficient to give them very great hope of getting a grant in aid of local taxation. Besides, he was one of those who did not look much to grants in aid, because the amount of such grants went principally to the towns. A grant in aid was not the way to reach the root of the evil; but it was like skinning over the wound and leaving it rankling un-

derneath. His right hon. Friend the Chancellor of the Exchequer, in answer to a deputation that waited upon him last year, used these remarkable words. He said—

“The system of raising general taxation for general purposes from one particular kind of property inflicted as great a violation of justice as could well be conceived.”

In his (Sir George Jenkinson's) opinion the total exemption of one class of property from local taxation was the main evil to be dealt with, and nothing but legislation to remedy that evil would give the relief desired. He trusted, therefore, that Her Majesty's Ministers would not lost the great opportunity now afforded them, and that they would introduce during this Session a measure which would effectually put an end to the present unsatisfactory state of things.

LORD EDMOND FITZMAURICE said, he regretted that the question of University reform, which possessed considerable interest for a large class of persons inside that House and out of it, was conspicuous by its absence from the gracious Speech from the Throne. There was a wide-spread desire existing among men of all parties in the Universities both of Cambridge and Oxford that this question should be settled, and pending its settlement several important questions — among others the tenure of Fellowships and the contributions of the Colleges to the Universities — remained in abeyance. The members of the Universities of Cambridge and Oxford looked forward to the appointment of a Royal Commission as the arbitrator in this difficult question, and they hoped that the absence of all mention of the subject in the Royal Speech was not to be taken as proof that Her Majesty's Government considered the subject as unworthy of their attention, but that either a Royal or Parliamentary Commission would be appointed to investigate the subject. He believed the latter would be the better of the two. At a recent meeting held at Oxford, which was attended by a great many eminent members of that University, the general wish was for the appointment of a Commission; but should not that be in accordance with the views of Her Majesty's Government, it might be hoped they would state what they intended to do.

MR. SCOURFIELD said, he hoped that, in the promised measure for the

prevention of the pollution of rivers, powers would be taken to prevent also obstructions, which the Board of Trade had hitherto admitted their inability to deal with satisfactorily. The obstruction of rivers was a growing evil in many parts of the Kingdom, and required to be prevented. If the only achievements of the present Session were to be the prevention of the pollution of rivers and the removal of the obstructions, those results would be sufficient to vindicate its right to public gratitude. The bill of fare contained in the Royal Speech was an ample one, and in some respects it was possibly too strong. On the subject of local taxation, he wished to see a more accurate definition of the question. The general taxes of the country were levied under Acts of Parliament, and the taxpayers could clearly understand what they had to pay; but the local rates, though nominally levied by local bodies, depended as to their amount upon the representations of official persons who had no sort of interest in the diminution of the burdens, but whose interest, in fact, lay in the opposite direction. Those who imposed the rates wished to indulge in a vicarious philanthropy. The wished, as the hon. and learned Member for the City of Oxford (Sir William Harcourt) said of them, to play the part of the Good Samaritan, without providing the oil and the twopence. Something might be done, perhaps, to remedy the evil by means of subventions; but, as a general rule, subventions were clogged with conditions which increased the expense, and could not, therefore, be resorted to with general advantage.

MR. JOHN MARTIN said, he believed that an understanding had been arrived at between the British Representatives—who formed an overwhelming majority in the House—that the Address in reply to Her Majesty's gracious Speech should be passed without an Amendment being put to the House. He could very well understand such an arrangement being made by those who wished to make things pleasant; but he must be permitted to say that the position of the Irish Nationalist Members—who formed the majority of the Irish representation in the House, and who were alone authorized to speak with the voice of Ireland—was a very peculiar one. There seemed to be a prevailing

disposition in the House to ignore the peculiarity of the position occupied by the Irish National Party. It was expedient at the beginning of the Session that the position of that Party should be clearly defined. As a Member of the National Party, he wished to express what his view was of the position of himself and his Colleagues. They were sent there to be entitled to all the rights which were enjoyed by other hon. Members; but their special mandate and mission was to tell the House that the nation which they represented, and which had been deprived of its National Parliament 75 years ago, had never given its consent to that usurpation. They were sent there to make that known with all courtesy and kindness, but distinctly and unmistakably, to that House—to say that Ireland demanded back her National Parliament. The vast majority of the people of Ireland, as well as the majority of the Irish constituencies, had empowered the Irish Nationalist Members to demand the restoration to Ireland of her National Parliament, Ireland continuing under the British Crown and forming a member, as this country did, of the British Empire, and that new arrangements of a confederate character should be made which should be just and honourable to both parties, and which might tend to strengthen the ties and sympathies, and promote the common interests of the two countries.

COLONEL BERESFORD said, the statement in the Royal Speech that Her Majesty continued to receive from all foreign nations assurances of hearty good friendship must be satisfactory to them all. There could be no doubt as to the existence of those feelings; but all pleasant assurances notwithstanding, was there a Member of that House who had studied the map of Europe, who did not feel that there was every reason to fear that Europe was on the verge of a crisis in the last quarter of the 19th century we had so nearly reached—a crisis which when it happened would be more terrible in its aspects and consequences than that which marked the corresponding period of the last century—a crisis which would inevitably leave wide-spread calamity behind it, and probably produce changes of vital importance in the political relations of those kingdoms that would be

involved in the struggle or be subject to its influences, nay, he might add, of a catastrophe more tremendous than had been seen since the overthrow of the Roman Empire. Foreign nations expressed and felt friendship towards us—some of them might presently need our assistance—but what were their feelings one towards another? Were not the seeds of irreconcilable quarrels now germinating? To descend from speculation to fact, they had heard of Count Valerian Skrayinski's *Doctrine of Nationalities*, and they had read of the Panslavic conspiracy, which, when the proper moment arrived, was to unite the whole of the Slavonian race in one great Empire under the guidance and rule of Russia, thereby giving her three parts of Hungary, two-fifths of Germany, and a large slice of the Turkish dominions. In addition to this pleasant prospect, were they not well aware of the dire hatred of France towards Germany, and that at this present time the bitterest of quarrels was still raging between the German rulers and the Sacerdotal Power, while everywhere the revolutionary forces were biding their time, waiting for the moment when they should rend into shreds the property of others. As the time was approaching when all these divers disputes would be referred to the arbitrament of the sword—for in his humble judgment there was no other way of settling them, and the modern European military system would furnish not only every State but every fraction of a State with soldiers—it seemed to him that we should not put too much trust in Princes nor in pleasant phrases, but ask ourselves what we intend to do in all this turmoil? Surely not to stand here all the day idle? And if we intended to prepare ourselves for the coming events, it was time that we began to consider how to set about it. And this brought him to another subject alluded to in the Speech. He meant the military condition of the Empire. From all he had read and gathered, nothing had been so unsatisfactory the last few years as the state of the military forces of this country. The childish ignorance displayed by Lord Cardwell when he introduced his three years' service system, which had only to be made public and recruiting in this metropolis was at once stamped out, followed by the hasty withdrawal of the

measure, and the substitution of the six years' man, another grave mistake, in his humble opinion, showed how a statesman could play at making soldiers. He was thankful to know that, under different auspices, we were gradually arriving at a better condition of things for the Army. Meantime he was of opinion that there was only one point in military affairs on which a sincere patriot could dwell with satisfaction, and that was the uprousing of the martial spirit of the country by the formation of the Volunteers, and the spread and knowledge of the use of arms amongst a large portion of the population by the long continuance of that force. This spirit must be encouraged, and this knowledge extended, despite the modest proposal—or he might say the monstrous proposal—of the hon. and gallant Baronet the Member for Sunderland (Sir Henry Havelock), who, with one stroke of his pen, would expunge that force from *The Army List*. In confirmation of his (Colonel Beresford's) view as to the expediency of improving our military condition, he would quote from a leading article in *The Times* of the 18th of January the following passage:—

“In the gloom that surrounds us one thing is perceptible. All men are arming themselves. It is the darkness that may be felt, and the sensation is not imaginary. At the word of command, Germany is arming *en masse*, and the surrounding nations—that is, the best part of the world—cannot but do as she does.”

On the near approach of the powers of evil, military tyranny on the one hand, anarchy and spiritual usurpation on the other, if freedom, good government, and common-sense were to retain a local habitation and a name, it could only be when supported and sustained by the British race in every quarter of the globe. It therefore behoved us to draw still closer the ties which bind our Colonies to the mother country by giving them their full share of the powers, the honours, and the responsibilities of this great Empire, and he trusted that the day was not far distant when representatives of colonies would take their seats in that House. The tempest he had depicted might not come to-day or to-morrow, but many in that House would assuredly live to see it. But all was not evil; and if it were permissible to feel pleasure in the face of a storm, that pleasure might arise from the fact that the cant and

Colonel Beresford

self-seeking, the vanity and frivolity which had disfigured the last two quarters of this century would then be swept away, and common-sense be once more knocked into the brains of men by the unanswerable logic of external circumstances.

MR. HERBERT said, that as an Irish landlord he should be doing injustice to his countrymen if he did not rise to vindicate them from the attacks made upon them by a former speaker. He was no Home Ruler, and he had no feeling in favour of what was called Home Rule; because he thought that real Home Rule was to be found in the union between Ireland and England. He, as an Irishman, felt as deep an interest in the prosperity and welfare of his native country as did any Irish Member in that House. A great many speeches had been made in favour of Home Rule by a set of men who went about the country making a parade of their patriotism, and people's minds had been filled by them with statements with respect to tyranny and oppression on the part of Irish landlords which he (Mr. Herbert) would contradict as much as he could do in that House. They had but a few moments before heard it stated in that House that, while the Irish landlords were ready to enforce the rights of property, they were forgetful of its duties. He, as an Irish landlord, felt indignant when he heard such unfounded charges made against the Irish landlords. He could name hundreds of them who were ready to do anything in their power to ameliorate the condition of the Irish people, and who were as desirous of promoting their prosperity as any of those public agitators to whom he had alluded. With respect to the exceptional statutes alluded to in the Royal Speech, it was a well-known fact all over the country that the operation of those Acts had saved the lives of many of Her Majesty's subjects. They had produced both peace and tranquillity throughout the country. Still, no one would rejoice more than he would to see them repealed. But when they had had murders all over the country, and now found that those murders had ceased, the fact was in itself the best proof of the necessity which had existed for the exceptional legislation to which reference had been made in the Royal Speech.

MR. RONAYNE considered that the hon. Member (Mr. Herbert) when he spoke of murders being general throughout the country had vilified the country which the hon. Gentleman himself represented, for to his (Mr. Ronayne's) own knowledge there had not been agrarian murder in that county for the last 30 years. He believed the Kerry landlords knew how to take care of themselves, and he had heard from one of the largest agents that the land there let at about 20 to 25 per cent higher than land of the same agricultural value in other parts of Ireland. He had known the hon. Member to attend meetings of farmers' clubs when they discussed the very question to which he had himself alluded. The hon. Member was, he believed, a member of the Kerry Farmers' Club, and prior to the Kerry election he frequently attended meetings of that club. There was one part of Her Majesty's Speech to which he desired to refer—namely, its statement as to the general prosperity of Ireland. He presumed that the Government had had their information from the same source from which the Lord Lieutenant derived his in order to make the speech he recently delivered. Well, his Excellency and the Members of Her Majesty's Government were not shopkeepers in Ireland. They were not trades-people in that country. They did not derive their incomes from the dividends arising from Irish railways. If that were so, they would have known that the last three years had been years of pressure and not of prosperity. A Gentleman well known in Ireland, and a Member of that House, stated at a meeting of one of the principal Banks in the South of Ireland, of which he was the Chairman, recently held, that business had not been so bad for many years as it had been during the last three years. There had not been for many years so many civil bill processes, or so many judgments against farmers and shopkeepers in country towns, or a period when business had been so bad. There was only one index from which he presumed the statement as to the prosperity of the country had been drawn—namely, that there never had been such an attempt on the part of the landlords as there had been during the present year to raise the rents, especially in the county of Kerry.

MR. OLIVE, in reference to the assertion that rents had been raised 25 per cent in Kerry, and yet that no agrarian outrage had occurred there, observed that in that view high rents were indicative of peace and tranquillity. As a Mayo landlord, though not an Irish Member, he could not allow the statement made with regard to that county to pass unchallenged.

MR. RONAYNE wished to explain that the statement he had made, on the authority of the largest agents, was that the rents in the county he had mentioned were 20 to 25 per cent higher on land of the same agricultural value than in other parts of the country. Possibly, the rents in Mayo were higher still.

MR. CLIVE said, if that were so high rents did not tend to tranquillity, as there had been many murders and attempts to murder in that county within the last two or three years. A description of these he would reserve for the debate on the Motion to be brought forward with reference to the coercive measures for Ireland. He had been connected with Mayo for 25 years, before the hon. Member for the county (Mr. O'Connor Power) had even visited it, and during that period his time and money had been devoted to the civilization of the population, the improvement of their condition, and the cultivation of the land. The hon. Member spoke of 6,000,000 acres of uncultivated land. Of these about 40,000 belonged to him, and he had endeavoured to reclaim them as far as his means allowed. It cost from £15 to £20 an acre to do so, and it was more fine declamation to say that waste land could be reclaimed by the people. It required capital, and time, and labour to reclaim land. He presumed that the hon. Gentleman included Lord Dufferin and other Irish landlords in his denunciation of the class, though he knew that that noble Lord and 20 other eminent landlords whom he could name had exerted themselves most praiseworthy for the improvement of the cultivation of the country. He should like to know what the hon. Gentleman had done himself. How many acres had he reclaimed? How many lives had he by his exertions saved? Why, during the famine he (Mr. Clive) had had 500 or 600 men and boys in his employment reclaiming the very land to which the hon. Gentleman had alluded

as waste and uncultivated; and in those efforts he might fairly say that, at a time when if one walked out he would meet the wandering spectres of men and boys at the point of starvation, he had saved many lives. A great deal of land had been reclaimed, and cultivated by the landlords. The hon. Member had said Ireland was tranquil, and the Judges were idle. If the Judges were idle, it was because crime could not be detected. He would take an opportunity, when the right hon. Gentleman the Chief Secretary for Ireland brought in his promised Bill, of alluding to that subject; but he might in anticipation say that the tranquillity of Ireland was more due to the measures of the noble Lord the present Leader of the Liberal Party (the Marquess of Hartington) in that House, when he was at the Irish Office, than to the measures of his predecessors.

MR. DISRAELI: Sir, I should be very glad to have spared the House the few remarks I feel bound to make, and might have done so, if the hon. Members who have addressed the House had spoken on the first night of the Session instead of on the Report of the Address. The hon. Member for West Norfolk (Mr. Bentinck) complains of the debate on that evening having collapsed. Well, Sir, I am not answerable for the debate having collapsed. After the noble Lord the Leader of the Opposition had concluded his speech, I declined for some time to rise, in order that hon. Gentlemen on both sides of the House might have that opportunity; and if they had availed themselves of that opportunity, it would not have been necessary for me to make the observations I have now to trouble the House with. The hon. Member for West Norfolk complains of two omissions in Her Majesty's gracious Speech—one with respect to our armaments, and the other with respect to the present state of our railroads. The hon. Member for West Norfolk is impressed with the conviction that the state of the British Navy is at this moment very unsatisfactory, and he gives it as his opinion that Her Majesty's Government ought to have taken an opportunity in the Royal Speech of announcing remedial measures in that respect which would have been satisfactory to the country. Now, I may remark, in the first place, that that would have been a course unusual to adopt.

It is the duty of the Ministry of this country to assure themselves that the state of the defences of the country is satisfactory, and that the armaments at their command are ample and adequate to protect the commerce and settlements of Her Majesty, and in that case the House will wait until the proper opportunity is afforded to those who are responsible for the Government of the country to go into the details of the subject. The rules of our Assembly and of our procedure are framed with a view that the House should have an early opportunity of assuring themselves on those important matters; and I cannot at all agree with the hon. Member for West Norfolk that it was our duty, whatever steps we may take with regard to the supply the House may grant us to maintain the forces and armaments of the country, to make that announcement in Her Majesty's gracious Speech. The hon. Member is, however, convinced that the state of the Navy is in every way inadequate to the duties it has to perform, and to the requirements of the country; but I might remind the hon. Member that one ought not too easily to adopt those rumours which often get afloat in a free country like England. The hon. Gentleman may, I think, gather some intimation of the expediency of being guarded and temperate in remarks of the kind he has made at this period of the Session from the cursory allusion he made to the state of the Army. The hon. Member did not dwell at such length upon the unsatisfactory condition of the Army as he did on that of the Navy, but he spoke of its condition in terms not more measured; and I recollect he said that, so far as the British Army was concerned, he believed that at this moment the number of our recruits was equalled by the number of our deserters.

MR. BENTINCK: The right hon. Gentleman has mistaken what I said. What I said was, that, if we could believe what we heard, in course of time the number of deserters would vie with the number of our recruits.

MR. DISRAELI: Well, I do not think the explanation of the hon. Member materially differs from his original statement. I believe I am correct in saying that the number of recruits this year exceeds the number last year by 3,500, while the number of deserters this year

is less than the number last year. The hon. Member and the House must therefore see that there was not the slightest foundation for even the revised statement he has made. Well, now we come to the next complaint of the hon. Member—namely, the omission in Her Majesty's Speech of any reference to railways, their condition, and the consequences of their management. The hon. Gentleman has assumed that we have made that omission because we regard the subject merely as a detail. I cannot in any way agree with the hon. Member in that view. I cannot conceive any subject of greater interest to the country, or one more grave in its character and consequences, than the condition of our railways and their management; and certainly I should have felt it my duty to advise the insertion of a paragraph in Her Majesty's gracious Speech alluding to the unsatisfactory condition of our railways if I had not remembered what the hon. Gentleman certainly did not seem to remember in the early part of his observations—that only last Session Her Majesty was advised to issue a Royal Commission formed of eminent and able men from both sides of the House—of men of science and of great experience—to investigate the whole subject of the management of our railways. It is also notorious that this Commission have pursued their investigations with great energy—I will not say with completeness, because they have not yet given us their Report—in various parts of the country. Any notice of the railway traffic of this country in the Queen's Speech, under such circumstances, would have been only a barren allusion. It must be clear to the House that we must await this Report, which, I believe, will be a voluminous and important Report, and no doubt afford materials for useful and beneficial legislation upon the subject. The remarks on the Report of the Address were varied by the hon. Gentleman the Member for Mayo (Mr. O'Connor Power), who remarked upon the passage in Her Majesty's Speech referring to Ireland. It is a passage which, as far as the hon. Member and his friends are concerned, could scarcely be interpreted in a hostile sense. The hon. Gentleman, however, seemed to make it the occasion for commencing an invective against Her Majesty's Government and the House of Commons,

and for assuring us that every possible obstacle will be raised against the satisfactory accomplishment of business here. The hon. Member for Mayo might, perhaps, have recollected—it would have been a graceful act on his part if he could have reminded the House at the time he made those observations—that there was a special proclamation last Session against the county he represents, and that during the Recess this special proclamation against the county of Mayo was withdrawn. The hon. Member, however, was too excited by his subject to remember this slight incident. He informed us that such was the state of repose and tranquillity in the county of Mayo and in Ireland generally, that the Judges in fact had nothing to do; while the hon. Gentleman who followed him later in the debate (Mr. Ronayne) assured us that there never were so many actions, and so many judgments, and such busy work apparently in every department of the legal and judicial establishments of Ireland as at the present moment. [MR. RONAYNE: I referred entirely to civil business.] I shall be very glad if, when the time arrives of which we have been warned, this singular contrast as to the state of Ireland, presented by equal authorities, can be felicitously explained. My hon. Friend the Member for North Wilts (Sir George Jenkinson) has introduced what he seems to think a novelty into the debate—namely, the subject of Local Taxation; and he says he very much regrets that, both in the Queen's Speech and in the debate which took place on Friday night upon it, no notice was taken of the question of Local Taxation. Now, I, on the other hand, thought that the most considerable portion of the evening on Friday was spent upon that grateful question. [SIR GEORGE JENKINSON: I did not mean that.] My impression as to my hon. Friend's allusion may be erroneous, but it is shared by others near me. The point, however, is not of much importance. I can only say that every remark which my hon. Friend has made to-night on the subject of Local Taxation was, I think, fairly met in the debate the other night. We have never stated that we shall bring forward a large measure on Local Taxation. We told the noble Lord the Leader of the Opposition, who touched upon the subject, that there were many Bills coming

forward which indirectly dealt with that weighty question. Wereplied to him, and to those who said we had done nothing to redeem our pledge, that in the first year of the existence of this Government a considerable relief was given; and with regard to future measures we called upon the House to help us at the proper time to take those further steps which, in our opinion, the subject may demand. I must say that my hon. Friend the Member for North Wilts does not appear to me to have touched on any point respecting Local Taxation which was not anticipated on Friday. A noble Lord opposite (Lord Edmond Fitzmaurice) has alluded to University Reform, and seems surprised that that question was not introduced into Her Majesty's Speech. Now, in the language of the Speech itself, the House is called upon to consider not merely the measures there mentioned, but other measures which will probably be brought before Parliament during the Session. It is a rule which of late years has been greatly favoured in this House—namely, that the Queen's Speech should not be overloaded, and that the Government is not bound merely to the measures of which notice is given in the Queen's Speech. A certain discretion must be allowed. It was only on Friday night that the Lord Chancellor, in the other House of Parliament, gave Notice of an important measure of the Government for the amendment of the law with respect to patents; and in the course of the Session other measures may be brought forward, not noticed in the Queen's Speech. As to the question of University Reform, I might remind the noble Lord opposite that it was only at the end of the last Session, if I recollect aright, that the Report, which was the result of the protracted labours of a Commission, was delivered for our consideration. The noble Lord must remember that at that time the Colleges were not assembled; they have assembled, and the opportunity of forming and obtaining an opinion has no doubt prevailed since then; but the noble Lord must feel that there has scarcely been time for any Government to come to a mature conclusion upon a matter which is of a complicated nature. I can, however, assure the noble Lord that it is our opinion that no existing Government for a moment could maintain that the consideration of Univer-

Mr. Disraeli

sity Reform, and consequently legislation of some kind, would not form part of its duty. I believe I have now touched upon most of the points alluded to, except, perhaps, on that mentioned by my hon. and gallant Friend the Member for Southwark (Colonel Beresford); though I am bound to say that I cannot follow him upon the important theme he has treated, for I fear that my observations might lead to misapprehension, and, perhaps, afford a spark which would be the origin of the conflagration he dreads. As to the passage in the Queen's Speech referring to our relations with our allies, I think it is expressed in justifiable, temperate, and true language. The circumstances of the case justify the expressions we have used; and, not wishing to look too far ahead, having to meet an Assembly not like some popular Assemblies, suddenly called together, and then, perhaps, for years not exercising their rights, but the great Council of the nation annually assembled, to which we have to explain, upon our responsibility, what we believe to be the accurate state of our relations with Foreign nations and Governments, I can only say we believe that peace will be preserved; and certainly it will be the effort of Her Majesty's Ministers to contribute, as much as possible to that result.

Address agreed to:—To be presented by Privy Councillors.

SUPPLY.

Resolved, That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

WAYS AND MEANS.

Resolved, That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Ways and Means for raising the Supply to be granted to Her Majesty.

ARTIZANS DWELLINGS BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill for facilitating the improvement of the Dwellings of the Working Classes in large towns, said: In the course of the last Session of Parliament I think the Government, at all events, gave an earnest of their interest

in the question relating to the dwellings of the working classes in this country—first of all by interfering with the action of one of the great railway companies in the metropolis; and, secondly, by presenting to this House a Standing Order, which was afterwards adopted, for the purpose of taking precautions in the case of other Bills of a similar kind from time to time brought before us. This is a matter which, as far as I am individually concerned, has engaged much of my attention. But the attention of the Government was formally called to it early in the Spring of last year by two memorials presented to the Prime Minister as well as to myself by two classes of persons, both deserving great attention. One of those memorials was from the Council of the Charity Organization Society, who have given a great deal of attention to the state of the dwellings of the poor. They issued a very able Report, which has been presented to the Government, and which certainly deserves their attention. They state—

“That the dwellings of the poorer classes in various parts of the metropolis are in such a condition, from age, defects of construction, and misuse, as to be deeply injurious to the physical and moral welfare of the inhabitants, and to the well-being of the community at large.”

The other body which addressed the Government was one of great eminence, which seldom interferes with public business or presents Petitions of this kind—I mean the Royal College of Physicians. So deeply did this eminent body feel that the condition of the dwellings of the poor in the metropolis deserved the special attention and interference of the Government, that they stepped out of their way last year to present this memorial to the Prime Minister, which I hold in my hand. They said—

“That it is well known to your memorialists that over-crowding, especially in unwholesome and ill-constructed habitations, originates disease, leads to drunkenness and immorality, and is likely to produce discontent among the poorer portion of the population.”

So that when the subject was brought before the notice of the House of Commons last year by the hon. Member for Hastings (Mr. Kay-Shuttleworth), in a very elaborate and, he will allow me to add, a very able speech, and when he was well seconded by the hon. Baronet

near him (Sir Sydney Waterlow), I was able, on the part of the Government, to give an assurance that this matter had received their attention, and should continue to do so; and the pledge I then gave I shall now endeavour to redeem by asking leave to introduce a Bill on the subject. We may take it as an axiom that what the homes of the people are the people themselves will be found to be. That is a maxim upon which the House in a great deal of its legislation has acted. Much has been done on this subject, not simply by legislation, but by individual effort. In legislation we have endeavoured to pass Acts preventing overcrowding in dwelling-houses—Acts which we have not been able to carry out for reasons to which I will hereafter advert. We have passed Acts enabling Corporations to give up their land and borrow money in order to erect dwelling-houses for the working classes. We have also passed an Act, introduced by the hon. Member for Finsbury (Mr. W. M. Torrens), although, I am afraid, somewhat shorn of its proportions, enabling the local authorities to pull down such houses as are absolutely unfit for human habitation. Much has also been done by the action of individuals, by trustees, and by public bodies. I need hardly mention the capital of £600,000 belonging to the Peabody Trustees, or the two societies—one presided over by the hon. Baronet opposite (Sir Sydney Waterlow) and the other by Lord Claud Hamilton, who is no longer a Member of this House. Each of these associations has, I believe, expended a capital of £300,000 for these objects. Other bodies of a similar kind have done much for improving the dwellings of the labouring classes of this metropolis, but much still remains to be done. All the houses that have been constructed by these individuals and associations only provide accommodation for about 30,000 of the population; and when we remember that the growth of London has advanced during the last 10 years at the rate of 40,000 each year, it is clear that much more must be done if we wish to reach the root of the evil to be remedied. So far as legislation goes, the evil is pointed out by one of the memorials before me—that of the Charity Organization Society—

“In the opinion of your memorialists, the evil can only be adequately dealt with by making

it the duty of some public body, possessing a wider sphere of action and in a more independent position than the local Boards and Vestries, and invested when necessary with powers of compulsory purchase, to initiate comprehensive improvements in the interest of the poorer classes, as has been done with good effect in Glasgow and Edinburgh and other cities, and, in a somewhat different form, in Liverpool.”

I take it as a starting-point that it is not the duty of the Government to provide any class of citizens with any of the necessities of life, and among the necessities of life we must include that which is one of the chief necessities—good and habitable dwellings. That is not the duty of the State, because if it did so, it would inevitably tend to make that class depend, not on themselves, but upon what was done for them elsewhere, and it would not be possible to teach a worse lesson than this—that “If you do not take care of yourselves, the State will take care of you.” Nor is it wise to encourage large bodies to provide the working classes with habitations at greatly lower rents than the market value paid elsewhere. Admitting these two principles of action, there is another point of view from which we may look, and another ground upon which we may proceed. No one will doubt the propriety and right of the State to interfere in matters relating to sanitary laws. Looking at this question as a matter of sanitary reform, there is much to be done by the Legislature, not to enable the working classes to have houses provided for them, but to take them out of that miserable condition in which they now find themselves—namely, that, even if they want to have decent homes, they cannot get them. The evil we have to grapple with is not one of modern growth, but arises from the neglect of past and former years. I would ask the political economist who may be disposed to scan this kind of legislation too closely, to remember that there is a maxim which is as true of nations as of individuals—that health is actually wealth. He must take into account the great waste of life even among those who reach manhood, the great waste of physical condition after infancy is passed, and the waste of stamina in the present generation and the future generation that will spring from it. He might also take into account the waste in lunatic asylums and gaols, and particularly the waste of sickness and death in all these

Mr. Ascheton Cross

wretched places. I am not going to enter upon any elaborate statement as to the question of death-rate, but will take it on an average of years. I know it makes a great difference whether you are speaking of a small area or a large one, and whether, if you take a smaller area, there is a hospital or a workhouse in it. You have, therefore, to make a great many allowances and corrections before coming to the truth. I want, however, to put before the House a few plain, broad facts. If you consider that the death-rate is about 22½ per 1,000 throughout the whole country—that in London it is 24½ per 1,000, and that in Manchester it has been 30, in Liverpool during the last 10 years it has been 38, in Lancaster 30, and in Sunderland 37 per 1,000—there must be something wrong in these towns which makes the death-rate so different. Then, again, see the marked difference between one part of a town and another. In Liverpool, where the death-rate is 38 in 1,000, some parts of the town are just as healthy as some parts of London, and if you inquire into local areas, you will find that in certain courts the death-rate is very greatly in excess of other parts of the town, and swells the total average. For instance, in one district in London, having a population of from 2,000 to 2,100, there have been more people sick in five years than the whole population—not of ordinary diseases, but fevers, and that there is not one house in which there has not been a death annually. These are startling facts, and when you find that in Manchester, in some of the small enumerated districts, the death-rate was in one district 67 per 1,000, and that in another district—now happily swept away—the death-rate amounted to 70 per 1,000, it must be admitted that there is a great deal of preventable disease; and if by our legislation, and without any inroad upon the sound principles of political economy, we can prevent such a waste of life, power, energy, health, and everything that makes a nation healthy and wealthy, it is our duty to interfere and see whether we cannot do something to arrest this waste. If we inquire what is the death-rate among small and young children in particular parts of these towns, we shall arrive at the most terrible results. I have a Report of the Medical Officer of Health for

Manchester, which shows that in one particular district, out of 100 deaths of persons of all ages, the deaths of children under five years reached the extraordinary rate of 49·7. In Liverpool, matters are still worse. The Friendly Societies Commission went very deeply into the question of the death-rate of children; and they found that, while the annual rate of mortality of children under one year on the average of all England amounts to 18 to 100 persons living, in Liverpool it amounted to 30; and between the age of one and two, while the average for England is 6·9, in Liverpool it is 18½. Similar results are arrived at if we compare the number of children of the working classes who grow up to be strong and healthy adults with the number of children of the higher classes who do so. The Medical Officer of Health for Paddington has prepared tables, in which a comparison is instituted between such districts as Gloucester Square, Hyde Park, and Westbourne Terrace, and equal areas occupied by the working classes; and the result is that the less-crowded district, with one-sixth of the population of the other district, produces twice the number of children who grow up to be healthy adults. We have to consider what a waste of human life this is, and ask ourselves whether we can give the children of the working classes an equal chance of growing up to healthy manhood and womanhood. The causes of the present loss of life are not far to seek. Some of the Acts for the prevention of overcrowding are under my own superintendence, and when I came into office orders were given that they were to be carried out as far as possible; but medical officers, the police, and the sanitary authorities said that the difficulty in the way of enforcing the Acts was that to apply them would be to turn the people out of their houses into the streets, without there being any place to which they could go. Then it is not simply that houses are overcrowded, but districts are overcrowded, and the air is vitiated. I know of one place in St. Giles where there are 70 courts and alleys or small streets close together; without one single thoroughfare through which the residents can get a breath of pure air. The only way in which you can get into these districts is to cut a thoroughfare right through

them. Some of the houses are actually in such a condition that the walls are engrained with disease, no expenditure of money upon them can make them healthy, and the only practical way of dealing with them is to pull them down. Family after family goes into a house, and it is certain to catch the fever which has killed off the previous occupants; and unless you step in and interfere this will go on for ages. In many cases you find that houses are built upon ground that is saturated with everything that is abominable, miasma rises from the ground through the houses, and nothing can be done to cure this unless you make a clean sweep of the houses. I have thought it right to go to Liverpool, Glasgow, and Edinburgh, to see what has been done in those places. The Liverpool Act was passed in 1864, the Glasgow Act in 1866, and the Edinburgh Act about the same time. From the experience of these towns we may learn some lessons as to what we ought to avoid. I have endeavoured to find out what has been the actual working of this Act in each of those places, and I have collected certain information which I have laid on the Table of the House. I went not only to those who had proposed the schemes, and who might take a favourable view of what had been done, but to those who had taken opposite views; I was met with kindness by all the authorities, by the Medical Officers of Health, and by the police; and they have furnished the statements which I have laid on the Table to guide us in the formation of our opinions. In Liverpool five presentments have been made by grand juries as to the bad condition of certain houses; and the Corporation, finding they had to deal with crowded courts, pulled down three or four rows of cottages, demolished 503 houses, and improved 392 courts, at a cost of £86,000 or £87,600. The main defects of the Liverpool Act are, that all the claims for compensation payable under one presentment cannot be settled by one tribunal, and that the working of the Land Clauses Acts involves delay and expense; and it is said that if the defects of the law were remedied the processes could be expedited with equal satisfaction to the owners without the Corporation paying twice the value of the property, once to the owners and again to the lawyers. Edinburgh has

gone rather more vigorously to work, it has spent a large sum, and cleaned out some 1,400 houses; but it has acted upon a different principle, and in opening up thoroughfares, it has acquired some of the land improved in value by the operation, and has re-sold it, thereby reaping a considerable return, and considerably reducing the cost of the improvement to the ratepayers. But the Medical Officer of Health of Edinburgh says that it will require some years of experience to arrive at the practical results, and the lesson to be drawn from his warning is, that in anything we do we must not hope too hastily for the evidence of results. But from Edinburgh we learnt this—The Medical Officer, in one of his Reports, said—

“I can confidently assert that the poor have been put to no inconvenience by the pulling down of the old houses, for before they were forced to remove, careful inquiry was made as to the house accommodation for the class in question, and the Sheriff was satisfied in every case that there were houses to which they could betake themselves.”

This is a point that must be carefully guarded in future legislation. Many nests of crime have been broken down in Edinburgh, and the police report a falling off in the number of serious offences from 670 to 570 in the year. The brothels were reduced from 242 in 1859, to 125; and so with other matters dependent upon the character of the neighbourhood. The City of Glasgow has gone into the matter upon a much larger scale. They have incurred an expenditure which will ultimately amount to £1,750,000. While proceeding in much the same way as Edinburgh, the people of Glasgow have been wiser in their generation. They have not taken merely the bad houses. They found that their demolition greatly improved the property immediately adjoining, and thought they might just as well get the advantage as the owners of the property. In their scheme they bought, not only the bad houses, but the property in the neighbourhood. They will expend altogether about £2,000,000, and they hope to do it at a cost to the ratepayers of £300,000; and if you take into account the charges for hospitals, lunatic asylums, and gaols, I think you will find that this £300,000 is very much on the right side of the account. Of course, it would be necessary after houses have been built, that precautions should be

Mr. Ascheton Cross

taken that they do not soon fall into the same state as those which had been pulled down. In all cases of this kind you must take care to look after the property for the future; you must take sanitary precautions that the property shall not fall into a bad condition. In Glasgow I asked where the people expelled were driven to. Special inquiries were made whether they went to other over-crowded places to over-crowd them still more, what kind of houses they went to, and whether the houses were built at rates which enabled them to pay the rents. In one case 351 houses were demolished; but, although 351 families were compelled by these operations to remove, attention was confined to 263, the remaining 88 being accounted for in various ways. In regard to 20 of the 263 they were also otherwise accounted for. But, having excluded these, the remaining 243 were, on the whole, fair examples of the utterly insanitary house and their inhabitants, of the miserable population who contribute to the high mortality and furnish the most difficult problems in the improvement of the city. The exact number of persons living in these houses was 990, and they were compelled to seek houses elsewhere. Before the operations, of the 243 families whose history had been traced, 118 lived in houses of one apartment, 96 in houses of two apartments, 23 in houses of three apartments, and six in houses of four apartments. After the operations those 243 families were housed as follows:—96 in houses of one apartment, 116 in houses of two apartments, 16 in houses of three apartments, and three in houses of four apartments; five went to the suburbs, two to the country, three to lodgings, and two to Ireland. The same facts might be stated in another way—Of 118 families living in houses of one apartment when expelled by the Improvement Trustees, 76 removed to houses of the same size, 39 to larger houses, two to lodgings, and one to the country in Scotland; of 96 families living in houses of two apartments, 66 removed to houses of the same size, 10 to larger houses, 17 to smaller houses, one to the country, and two to Ireland; of 23 families living in houses of three apartments, four removed to houses of the same size, 18 to smaller houses, and one to lodgings; of six families living in houses of four apartments, all removed to smaller

houses. Then, as to the rent of the new houses, it might be stated that the increase amounted to 20 per cent on the rental of a house of one apartment, to 20 per cent on a house of two apartments, to 58 per cent on a house of three apartments, and to 28 per cent on a house of four apartments. Then, as to the number of inmates per apartment, it was found that in the old houses 990 individuals were accommodated in 403 apartments, giving an average of 2·4 inmates for each apartment; and that in the new houses 949 individuals were accommodated in 388 apartments, giving still the same average of 2·4 for each apartment. But it was quite certain that the same number of inmates per house or apartment in the old and new houses really meant an increased cubic space in the new houses. This was especially true of the houses of three and four apartments. In the old houses these apartments were merely nominal, in the new they were real. Let me call your attention in this case, as in the case of Edinburgh, to the falling off of crime and the lessening of the number of brothels in the city—namely, a decrease of from 204 to 20, and this in the space of three years, from 1870 to 1873. Having stated what has been done in these three towns, I should like now to lay before the House the provisions contained in the Bill which I am now asking leave to introduce. I will do so very shortly. In the first place, we think this Bill—at present at all events—should be confined to the City of London, to the metropolis, and to large towns. No doubt there are places in the country which are very bad; no doubt there are places in small towns which are very bad; but the evil in those cases may be much more easily remedied than in large towns. Again, to apply the Bill to small towns would produce too much pressure on the ratepayers. At all events, we think it best, as I have said, for the present to confine the measure to large towns. Then, who are to have the duty of carrying it out? Clearly not private individuals. We think that the body in London should be that which is shadowed forth in the memorial of the Charity Organization Society. There cannot be a better body for the City of London, and the Metropolitan Board of Works should be the authority for the rest of the me-

ropolis; and in other large towns the town councils, which are practically the sanitary authority. Who, then, shall put the Act in motion? We proceed entirely on sanitary grounds. We do not wish them to make great street improvements for their own glorification. It is only sanitary purposes that we have in view—therefore we think the Act should be put in motion by the medical officer of health, who, by his own view, or called upon by a certain number of ratepayers, would be bound to report and certify whether in his opinion the place was an unhealthy district—whether disease prevailed there, and whether that was attributable to the badness of the houses. If he found it so, he would have to state that, in his opinion, it was an unhealthy district, and that an improvement scheme ought to be framed for it. That report would be forwarded to the local authority—being in London the Corporation, in the rest of the metropolis the Metropolitan Board of Works, and in large towns the town council. The local authorities would then take the matter into their consideration, and if satisfied of the truth of the report, and the practicability of applying a remedy and of the sufficiency of their resources—because we do not call on the town councils to ruin themselves—they would pass a resolution that the district was an unhealthy area, for which an improvement scheme ought to be provided. The improvement scheme would be accompanied by maps, particulars, and estimates, defining the lands it was proposed to take with compulsory powers, and providing for as many of the working classes as might be displaced in that area, either within the limits of the area or the vicinity thereof. In London that is a very essential matter. You cannot pull down a street in St. Giles's and send the people over to Battersea. If you displace the working class, you must lodge them in the vicinity of the locality, otherwise you make them paupers and deprive them of the means of subsistence. In Glasgow that difficulty was easily met. Happily, even in the most crowded sites of London the actual density of the population per acre is not very great; in some places it may be 300 or more; but although only 300 per acre, they may be living in the worst sanitary condition and dying almost daily. On the other hand, I could

mention a space built on by the society over which the hon. Baronet opposite (Sir Sydney Waterlow) presides, where the death rate has never yet exceeded 15 per 1,000, and where no less than 1,600 are housed per acre with perfect safety. As I have intimated, you are to provide that the people turned out shall be accommodated in the district, or be provided for in the immediate vicinity of it. I do not suppose that any hon. Member will think that town councils should have the power of taking other people's property without compensation; but here comes a question to which I would seriously invite attention. Every farthing spent in law expenses will undoubtedly raise materially the cost of the room which is eventually to be occupied by the poor workmen. The difference of 1s. a-week in the rent may easily be made; therefore, you must take care that no unnecessary cost in law expenses shall be incurred. The action of town councils in bringing Bills in this House is of a very curtailed character. They must have the consent of their ratepayers. We propose that, except as to certain consent on the part of the Government, the present restriction should be swept away. Nor do we wish to put them to the great expense of going themselves for a Private Bill. We wish to relieve them entirely of that expense; and, therefore, when it has been determined that an area is unhealthy and that there shall be an improvement scheme in the metropolis, it shall be referred to the Secretary of State for sanction. The Secretary of State will make inquiry, and if he be satisfied with the scheme, he will take upon himself the responsibility of passing the Provisional Order through this House, and so save enormous expence to the parties themselves. With respect to boroughs, the Secretary of State has no local officer that he can employ, and we propose that they shall be relieved of Parliamentary expenses, and that the Local Government Board shall pass an improvement scheme. When that is done we have not the smallest intention of interfering with the execution of the scheme. The intervention of the Government is simply to give Parliamentary power and save expense. Everything else is left to local government. The next question is—"How can the value of the lands thus compulsorily

taken be best arrived at?" I have already alluded to the circumstance that the working of schemes under the English Lands Clauses Act was found to be very expensive in Ireland, owing to the sub-divisions of tenures, to which it had to be applied. Therefore, 10 years ago an Act was passed, known as the Irish Lands Transfer Act, which provides a much simpler mode of ascertaining the value of land. Of course the English Act is incorporated in the present measure for all purposes except one, the provisions respecting valuation being adopted from the Irish Act. Accordingly, an arbitrator will be appointed who will go down to the locality and inquire into all the circumstances. If, however, the owner of any property proposed to be compulsorily taken wishes to appeal to a jury against the decision of the arbitrator, he will have the same right of doing so as he would have possessed under the English Act. The only question then for us to consider is what shall be the basis of the valuation on which the arbitrator shall act. The House will doubtless remember that under the English Lands Clauses Act there were no words specifying what the valuation should be. However, a custom has grown up in England to value the property at its proper value; but when a railway company wants it, 10 or 20 per cent is usually added as a sort of bonus to the owner. Now, we think such a bonus should not be given in regard to property of this kind. We think that a man ought to receive the fair market value of his land, and that of course the goodwill ought to be taken into consideration. Well, when the property has been obtained, the next question is, what is to be done with it? We have arrived at the opinion expressed in the Bill, that the corporations themselves should not be the builders of the houses; that they ought not to be building speculators. We believe there is a vast amount of floating capital which people would be willing to apply to this purpose, but which they do not so employ at the present moment, simply because they cannot get the land. We think that when the corporations have procured the land by these compulsory powers the time will have arrived when such available capital will be made use of; and, therefore, we give most ample power to the local authority to let or sell

the property, on the express condition that there shall be accommodation for the labouring classes. Of course, it is possible that the land might be left waste, if no power of building were conferred on the local authority, and for this reason we reserve to the local authority the power to build in special cases, with the consent of the Secretary of State, or of the President of the Local Government Board. Such is the sum and substance of the Bill. Powers are given for borrowing and lending to the local authority by the Public Works Commissioners at a certain rate of interest. One thing we are bound to insist upon is that the monies employed in carrying out these schemes shall not be mixed up with the general borough rate, but that there shall be a separate account kept of all monies expended under the provisions of the Act. This is, in fact, a sanitary matter, and the accounts, as in other sanitary matters, ought to be kept quite distinct from all other rates and payments. Under the provisions of this Bill, a great deal may be effected; but I should be wrong if I did not once more caution the House not to imagine we are doing a magnificent and a showy work. It is a measure that will do the work silently, but surely. Those who desire to see the results of the Bill must go and look for them, and in a few years they will perceive them. Again, I must remark that we do not anticipate any sudden effect. The evil we desire to root out has been the work of generations; and though I believe the rate-payers will be more than fully recouped in the long run, yet for a time, at least, the measure must be worked at some expense. Nevertheless, considering the state of the people at the present time, considering how little has been done for them, and considering also the absolute necessity of raising this almost degraded class, who have been brought up in sickness, and who will perpetuate disease, if we do not afford them the means of improving their conditions, I ask you on these dens of wretchedness and misery to cast one ray of hope and happiness; I ask you on these haunts of sickness and of death to breathe, at all events, one breath of health and life; and on these courts and alleys where all is dark with a darkness which not only may be, but is felt—a darkness of mind, body, and soul—I ask you to assist in

carrying out one of God's best and earliest laws—"Let there be light."

MR. KAY-SHUTTLEWORTH asked when the Bill would be in the hands of hon. Members, and expressed a hope that it would be delivered to-morrow. He also asked when it was proposed to take the second reading, and considered that as many large towns would be affected it would be well to allow some time to elapse before proceeding with that stage of the Bill. The whole measure seemed to hinge on the action of the medical officers of vestries, and he must therefore express a hope that they would be placed in a position of greater independence than they at present occupied, especially in London, where they were at the mercy of vestries composed to a great extent of the owners of small properties which were too frequently in a bad condition. With respect to the action of the local authorities, the right hon. Gentleman had not informed the House what restrictions they would have the power to impose on those who might wish to build upon the sites that were provided. It was evident, however, from an incidental remark, that the right hon. Gentleman saw the necessity of taking precautions against the same evils arising which now called for legislation. He could not conclude these few remarks without saying that the whole credit of the movement belonged to certain people who had been working for a very long time in this direction. In particular he might refer to the Metropolitan Association, over which Lord Claud Hamilton presided; to Lord Shaftesbury and to the associations with which he had been connected; to the Act passed by the hon. Member for Finsbury (Mr. W. M. Torrens), and under which Act much more good would have been done but for the alterations made in it by the House of Lords; and more especially to the Committee appointed by the Charity Organization Society, which with the Royal College of Physicians had paved the way for the present measure. He must congratulate the right hon. Gentleman on the prompt manner in which he had acted upon the representations which had been made to him, and he hoped that the Bill would result in a great improvement in the condition of the working people.

SIR SYDNEY WATERLOW said, that having devoted many years of his

life to this subject, and having been for some time Chairman of a Company which had erected many improved workmen's dwellings, he begged to offer a few words of congratulation to the Home Secretary for the manner in which he had dealt with the whole question. The way in which he had referred to the evidence in the Reports as to Edinburgh and Glasgow showed that he had been most anxious to grapple with the whole of the difficulties involved in an important and complicated question. The right hon. Gentleman had referred to the death-rate and the difficulty of making accurate calculations in reference to it; but he did not mention the fact that the houses built for the industrial classes by the societies were mainly occupied by families in which there were a large number of children, so that the death-rate in the other houses were much higher than would appear even from the figures given by the right hon. Gentleman. He feared that if the initiation was to depend upon the medical officers there must be some external power to stimulate them to action. He knew that in many large vestries and local bodies the members were frequently owners of small property, and that they would exercise their power over the medical officers to prevent proceedings which would affect their own pockets.

MR. WADDY said, that among all the measures shadowed forth in Her Majesty's Speech there was not one of more importance than that now brought forward, and he would venture to add his congratulations to those which had been already offered to the right hon. Gentleman for the earnest and felicitous manner in which he had brought the subject before the House. But, assuming that the Bill was to apply to the whole country, he feared there would be very serious difficulty in carrying out its provisions to any great extent, in consequence of the great power of origination and management given to the local authorities. In the first place, much expense would have to be incurred, and local authorities did not like to give it to their constituents to say that they had thrown heavy burdens upon them. He thought therefore there would be great danger of the measure failing, unless the Government reserved power to interfere in certain cases. In the next place, unless something were done to take the

Mr. Assheton Cross

matter out of the hands of persons who would look mainly to dividends, there would be great danger that what was called economy would interfere with the public good. The experience of Glasgow, which was very nearly the same as that of Paris under M. Haussmann, would show that in the most favourable circumstances there must be great loss. He believed the loss in Paris was 32 per cent upon the amount actually invested in the operations; and that would be something like the probable loss in London and elsewhere. If, therefore, the medical officer was to start the improvement, as he was the creature of the vestry, and the vestry the creature of the people who had to pay the rates, very little good would be done. If the work was to be done by private, rather than public effort, there would be another source of danger. Once you got within the ambit of private effort, you got within the ambit of private gain; and where good dividends were looked for, it was not the class which Parliament wanted to benefit most that would derive the advantage, but the class above them. Any one who had gone through the low dens described by the Home Secretary, and had then visited the Peabody Buildings, must know that the two were inhabited by a very different class. The fact was, unless care were taken, they would be sweeping away one class of people to provide residences for another. In the Peabody and other buildings many people were charged 7s. 6d. a-week rent. That was very nearly £20 a-year, and to talk of people—who lived in such dens as the Home Secretary had described, and which the present measure was intended to abolish—paying £20 a-year—was simply absurd. If, therefore, Parliament wished to succeed in the object it had in view, they must deal with the matter on principles of philanthropy rather than of dividend. He would suggest therefore that they should not confine themselves to sweeping away the dwellings complained of, but take powers to alter and improve them if possible. He would at the same time offer another suggestion with respect to dwellings not structurally altered. Not long since a very interesting correspondence had appeared in *The Lancet*, in which revelations of a most painful character had been made. It had been found by commissioners appointed by

that paper, that in many cases dwellings of five or six stories, with several rooms in each story and separate families living in each room, were supplied with water only at the lowest story. One instance was given of a poor woman in a wretched state of debility who had to bring every drop of water she required for her family up five flights of stairs in one small vessel. The consequence was that the water necessary for health could not be brought up at all. Assuredly something should be done to compel every landlord who let his houses in separate tenancies to provide separate water accommodation for each. He begged to thank the Home Secretary for making a brave, loyal, and earnest attempt to deal with one of the most pernicious mischiefs of our country at the present time.

MR. ASSHETON CROSS said, that the Bill was now in print, but there were some typical errors to be amended, and therefore whether it could be delivered to-morrow, or not until the day after, it was not in his power to say. He was in hopes, if the principle of the Bill was accepted, that the House would allow him to proceed to the second reading on Monday, on the understanding that some time would elapse before the Committee would be taken. The hon. and learned Member for Barnstaple (Mr. Waddy) had talked of the medical officers being influenced by the vestries and local boards. But, if he (Mr. Cross) was to judge from the reports which had been presented to him by the medical officers, he felt sure they would be willing to grapple with any authority in this matter. If such reports as had been presented to him were sent in to the local authorities, the latter would have plenty to do for several years in working the measure, and erecting suitable buildings. It was essential to the scheme that suitable dwellings should be built; for surely the hon. and learned Member opposite did not mean that when a number of rookeries were pulled down, other rookeries should be put up in their place. Precautions, however, were taken that when the local authorities let the land, certain provisions of a stringent nature should be carried out. Beyond that, hon. Members would find that the Government had inserted special powers in reference to the metropolis, and the appointment of per-

sons to carry out the provisions of the Bill.

COLONEL MURE asked, whether the Bill applied to Scotland?

MR. ASSHETON CROSS said, that, as it stood at present, the Bill applied to England only, but that the Government intended to leave it to the Committee to decide whether its operation should be extended to Scotland and Ireland also.

Motion agreed to.

Bill for facilitating the improvement of the Dwellings of the Working Classes in large towns, *ordered* to be brought in by Mr. Secretary CROSS, Mr. SCLATER-BOOTH, and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 1.]

FRIENDLY SOCIETIES BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER, in rising to move, "That leave be given to bring in a Bill to consolidate and amend the Law relating to Friendly and other Societies, said: Taking into consideration the number of Bills that will be brought forward to-night, it is neither necessary nor convenient that I should occupy much time in asking the House for leave to introduce a measure for consolidating and amending the laws relating to Friendly Societies. The principles of the Bill I propose to lay before the House are mainly the same as those of the Bill of last Session, with which hon. Members are familiar. We propose to continue the present system of registration of Friendly Societies, but we propose to make such amendments in that system as will enable it to work with better effect. The Bill will, therefore, in the main be similar to that of last year; but during the Recess, a great many communications have been made to me by persons connected with and interested in these societies, and the Government, having carefully considered those communications, have made several Amendments in that measure. In framing those Amendments, we have borne in mind that this great system of Friendly Societies is one which has sprung from the people themselves, and that, therefore, in whatever alterations we might make in the system, we should be careful to carry the people with us,

and to act in harmony with the work which is going on. I will now state in a very few words what are the principal alterations which we propose to make in the Bill. In the first place, we propose to make one great change in the measure as it stood last year, by abolishing the proposals for local registration. I am not at all sure that those proposals were not good in themselves, as they would have conduced to that which is the great object of this legislation—namely, the enlarging of the information to be laid before those interested in these societies. There were, however, two objections to those proposals which weighed considerably with us—one, that to carry them out would be very expensive; and the other, that we could not establish a system of registration by clerks of the peace, without running the risk of bringing about some want of uniformity in their decisions and views, a result that might lead to much confusion. Under these circumstances, we have dropped those proposals for local registration, and registration will be carried on in the same way as at present, except that the Registrars of Scotland and Ireland, who will be retained, will be subordinated to the chief office in London, and thus there will be but one system of registration for the United Kingdom, directed from a common centre, while the special peculiarities of each part of the Empire will be considered and met by having officers competent to decide any questions that may arise. We have also endeavoured to meet the objections which have been raised as to what are characterized as the too great powers which the Bill of last year proposed to give to the Registrars. It is, of course, inevitable, if a Bill of this sort is passed, that some power should be given to the Registrar, not for the purpose of putting power in his hands, or those of the Government, but for the convenience of the societies themselves. It would be utterly impossible to provide by legislation for every case that might arise, and if an attempt were made to do so, we should have a series of cast-iron rules, which would work most inconveniently for the societies themselves. It was, therefore, proposed by the Bill of last year to give certain powers to the Registrar with reference to certain particulars which would operate for the convenience of the

Mr. Assheton Cross

societies. However, we now propose not to give certain of those powers, and to modify some of the others proposed to be given. Among those which we do not intend to give is one of considerable importance. Under the Bill of last year, it was proposed that the Registrar should, under certain circumstances, have power not only to order the dissolution of a society upon the representation of a certain proportion of its members, but to re-arrange and alter the benefits and the contributions of the society. There can be no doubt that it would be a very convenient and useful power for a properly constituted authority to exercise. Cases will frequently arise in which the members of a society may find that they are going on in a way that must ultimately result in disaster, and that while it would be a pity to dissolve it, the rate of contribution must be increased, or the rate of benefits must be lowered, if they are to tide over the difficulty. We, however, find that an objection is entertained by the societies to entrusting the Registrar with such powers, and, as the main principle that we desire to carry out is to give information to the societies which they may utilize for themselves, and as we do not propose to interfere with their working in any unnecessary way, we have thought it right to omit that power from our Bill. Therefore, the powers of the Registrar in this respect will remain as they are at present, and whenever a petition is presented by a certain proportion of the members of a society, he will proceed as at present to investigate the grounds on which the petition proceeds, and, if necessary, to decree the dissolution of the society; but he will not have power to alter the amount of either the contributions or the benefits. Another provision of a rather important character we have omitted from the present Bill, merely because it is not convenient that it should appear in an Act of Parliament. It is that which directs that the Registrar shall cause tables of mortality to be prepared for the use of the societies. A good deal of misunderstanding has arisen on this point, and it has been supposed that if these tables of mortality were prepared and issued under an Act of Parliament, they would be regarded by the societies to whom they were furnished, as being compulsory, or at least as having a sem-

blance of Government authority. Under these circumstances, we dropped that power; but, as we think it of great importance that proper tables should be prepared and issued to promoters of these societies, it is the intention of the Government to do that which they can do without an Act of Parliament, and that is to give directions for the preparation of a proper number of tables, applicable to as many different sets of cases as they can provide for, and to issue them for those who wish to take advantage of them. There will be comparatively few other alterations made in the Bill. It is proposed somewhat to alter the proportion of members who may call for a general meeting of the society; it is also proposed to omit certain words with regard to the appointment of public valuers, which have been misunderstood; and it is provided that that the valuers shall be appointed by the societies themselves, merely requiring that the name, address, and profession of such valuers shall be stated in the returns they may make, so that they may be known as persons of some standing. There will also be some change made with regard to the investments. At present the law requires that the investments of these societies shall be considerably restricted, and we propose to allow a much greater latitude in the form of their investments, in order to assist the societies to improve their position, subject to certain necessary precautions in the matter of publication and audit. The great principle of this Bill is that by it we recognize a state of things existing which we do not desire to interfere with or to disturb, but to assist and promote; and we desire, as far as possible, to provide for giving due publicity to the facts bearing on the status of different societies, so that those in whom the members have confidence may be able to tell them what appears to be the real position of the societies. Neither do we intend in any way to introduce unnecessary Government interference. On the contrary, our principle is to leave this good work which has sprung from the people to be carried on by the people themselves. We do not adopt the principle of "Everything for the people, and nothing by the people." We desire that the people should do this work for themselves, and our only wish is to

assist them in doing it. I need only to refer to one other clause in the Bill, which is one of considerable interest—namely, the one which relates to the insurances on the lives of children, with reference to which there has been considerable agitation in the minds of those connected with these societies, and on the part of the public generally. I think that a good deal of misapprehension has prevailed on this subject. In introducing this clause into the Bill last year, nothing could have been further from the intention of the Government than to cast any imputation upon the parents of this country as a class, but it must be recollected that there are persons who may avail themselves of the laxity of the law on this subject, who are not the parents of the children whose lives are entrusted to them. We know that there are many cases in which unfortunate children who are the offspring of illegitimate intercourse are entrusted to unscrupulous and careless persons, who may be inclined to make money of them—we know the history of baby-farming, and how melancholy that history is, and it is a most beneficent principle of law which throws its shield over such unfortunates; therefore, in introducing this clause, we had no desire to bring a general charge against the parents of this country that they are not careful of their children's lives, nor to put any restriction upon their making a reasonable and proper provision for the burial of their children in the event of their death. We propose, however, to make some alterations in the Bill as it stood last year. We propose to do away with the restriction which it was intended to impose with regard to the insurance of children under three years of age, in so far as it extended to a prohibition of insurance in more than one society. We think that prohibition unnecessary, and that there are cases in which it would be better to insure for small sums in more than one society, than for a large sum in a single society. As regards the amount, we propose to limit it to £3 instead of 30s. in the case of a child under three years of age, leaving the sums for children under five and ten as before. It is further intended that certificates should be granted in a more formal way than at present, so as to prevent any mischief which might arise from that cause. In this respect it

must be remembered that there will be an exceptional privilege granted to the societies with which we are dealing, for it is one which does not extend to persons who wish to insure in the upper and richer class of society. I think there are no other points to which I need draw attention. I hope there will be no objection to the introduction of the Bill, and from all that reaches me, I believe there will be no great difficulty in inducing the House to pass the second reading. Of course, when we come to a discussion of the Bill in Committee, there will be many points demanding consideration. We trust the House will be prepared to agree to the second reading within a reasonable time, and an ample opportunity will be given for the discussion of details. I hope we shall be able to pass this measure, for it seems to me one which would be of great advantage to the classes for whose benefit it is designed. It has been framed, as I have shown, with no desire to interfere restrictively with the operations of these societies, but on the contrary, to facilitate and advance them. The right hon. Gentleman concluded by moving for leave to introduce the Bill.

SIR GEORGE BOWYER said, he approved the omission of the provisions in the Bill of last year authorizing the Registrar to prescribe alterations in the rules of the societies. These societies had been founded by the people, and it was right that they should be left to be managed by the people with as little interference as possible. But the right hon. Gentleman proposed to leave to the Registrar the power of dissolving a society whenever he thought proper to do so. That was an extreme power, and he would suggest that before exercising it the Registrar should be bound to inform the society of the defects he found in its affairs, so as to afford it an opportunity of making whatever change might be needed. In that way, the dissolution of a society might be averted.

MR. SALT said, he must acknowledge that the Bill of last year had been improved. It had always seemed to him that a system of local registration might be attended with considerable difficulty, and he was disposed to think the change in regard to the regulation of investments would prove beneficial. As to the other alterations, they would be better able to judge of them when they saw

the Bill. The chief question to his mind was whether the Bill was bold enough to meet the difficulties of the case, and he thought it right to take the earliest opportunity of suggesting this point for the consideration of the right hon. Gentleman. He would also urge the desirability of allowing a considerable time to elapse between the second reading and going into Committee, so as to afford persons in the country who were practically engaged in connection with Friendly Societies an opportunity of studying the details of the measure.

MR. W. HOLMS said, he must congratulate the Chancellor of the Exchequer on the manner in which he had introduced the Bill. He was glad to find the right hon. Gentleman had adopted many of the suggestions made to him last year, and especially that the proposal to create local Registrars had been abandoned; for he believed that such a system would give rise to a serious want of uniformity in the operation of the law. He was gratified, moreover, by the proposal to limit the powers of the Chief Registrar, which under the former measure would have been almost unlimited, and he heartily concurred with the right hon. Gentleman in thinking that the adoption of the rules published by the Registrar should be made optional, as there were many societies of a peculiar character to which they might not be applicable. As to the clause determining the number of members who might call a meeting to investigate the affairs of a society, if it had been retained as in the Bill of last Session, many large societies might have been put to very great inconvenience and expense by a very small number of troublesome persons. He fully approved likewise of the clause relating to the insurance of children. It had been observed by the hon. Member for Stafford (Mr. Salt) that the Bill was not sufficiently bold. For his part, he thought that it lacked nothing of that quality. In dealing with these societies, it was necessary to remember that they had been founded by working men for themselves, without the aid of the State, and they did not stand in need of any nursing, or interference in their internal arrangements. All that was required was that there should be such legislation as would pro-

tect the members from fraud so far as Government could do so, and thus give the public confidence in their management, and that certain lines should be indicated beyond which they must not go. He agreed in thinking that they ought not to go into Committee on the Bill for a considerable time after the second reading, the time fixed for which he should like to know. By doing so they would permit of the provisions of the measure being thoroughly discussed by the people who were interested in the different Friendly Societies throughout the country.

THE CHANCELLOR OF THE EXCHEQUER said, that the Bill would be in the hands of hon. Members to-morrow (Tuesday). He proposed that the second reading should be set down for that day week, and would assure the House that ample time would be allowed between the second reading and the Committee.

MR. MUNDELLA said, that day week was too early for the second reading.

Motion agreed to.

Bill to consolidate and amend the Law relating to Friendly and other Societies, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. Secretary CROSS, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 2.]

REGIMENTAL EXCHANGES BILL.

LEAVE. FIRST READING.

MR. GATHORNE HARDY, in rising to move for leave to bring in a Bill to amend the Law relating to Regimental Exchanges said, the measure was one which he had introduced late last Session, and which there was not then time to go on with. He had explained the nature of the Bill last year, and had been very anxious that it should come on for discussion. He did not however propose on the present occasion to enter on that discussion, which would not be advantageous to the House; and he knew that hon. Gentlemen opposite, who were anxious to take part in discussing the Bill, and who were opposed to it, would not offer any opposition to its introduction. Those hon. Gentlemen had asked him not to fix the second reading for an early day, and in deference to their

wishes he would fix it for that day fortnight, instead of for Monday next, as he had originally intended.

Mr. TREVELYAN said, that although the Bill was drawn in few and simple words, he believed its consequences would be neither few nor simple. He was glad therefore the right hon. Gentleman had named a somewhat distant day for the second reading, because it was most important that hon. Members should have an opportunity of studying the hearings of the question, which was most complicated in its nature, and the details of a proposition which was of a distinctly retrograde character as concerned the legislation of this country, and would have a very deep effect not only upon the Army, but upon the whole circle of our public services. When the day fixed for the second reading arrived, if no more qualified person stepped in to undertake the task, he should move that the Bill be read upon that day six months, and he earnestly hoped that he should be able to make good the few words he had now spoken to the satisfaction of the many and perhaps a majority of hon. Members.

Mr. ANDERSON said, that when at the close of the last Session the right hon. Gentleman withdrew the Bill, and intimated his intention to re-introduce it, he himself announced that he would again oppose it, Her Majesty's Opposition was then nowhere. He (Mr. Anderson) had to complain of considerable apathy on their part; but he hoped that on this occasion the announcement that they had just heard from the hon. Gentleman the Member for the Border Burghs meant that Her Majesty's Opposition under their new Leader really intended to take up that most objectionable Bill and give it something like a strenuous opposition. It was undoubtedly the most retrograde and re-actionary measure that the Government had yet attempted, with the solitary exception of the Endowed Schools Bill, and on the second reading he should be most happy to join with the hon. Member for the Border Burghs in opposing it.

Mr. HAYTER said, he did not rise to give the Notice of Motion which he had intended to give—namely, to read the Bill a second time that day six months—because his hon. Friend the Member for the Border Burghs (Mr.

Trevelyan) had already done so. But he would remind the right hon. Gentleman the Secretary for War that that Bill applied to all regimental ranks, and that under the Army Regulation Act the ranks of major and lieutenant-colonel were to be filled by selection. Surely it could not be intended that when an officer had been selected to fill a special post he should then be permitted to accept a bonus in order to exchange into a regiment which might be more convenient for him? He had to thank his right hon. Friend for postponing the second reading till Monday week, because he must remind him that that Bill introduced a totally novel principle—namely, that of giving a Parliamentary sanction to payment for exchanges—a principle altogether unknown in every other service of the Crown.

Motion agreed to.

Bill to amend the Law relating to Regimental Exchanges, *ordered* to be brought in by Mr. Secretary HARDY and Mr. STANLEY.

Bill *presented*, and read the first time. [Bill 3.]

MERCHANT SHIPPING ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

Acts read; *considered* in Committee.

SIR CHARLES ADDERLEY, in rising to move—

"That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Merchant Shipping Acts," said: The necessity for the amendment of the Merchant Shipping Acts arises not so much from want of powers in the Executive Government, for the powers already given are not yet half developed, although they are being developed as rapidly as I think they safely can be. What is rather wanted is a supplement to former Acts, enabling the Executive to exercise existing powers more effectively. The difficulty in dealing with the subject is to give the Executive adequate powers for securing public safety without interfering with the freedom of private enterprise. I am sure the Committee will all agree that freedom is essential to mercantile enterprise, and that mercantile enterprise is of the essence of our national prosperity. Since the Protective system ceased it is more

Mr. Gathorne Hardy

than ever imperative that the Legislature should leave unfettered the self-dependence and elasticity of our Mercantile Marine. On the other hand, we must all allow that the eager competition of mercantile enterprize tends to becoming reckless of human life, and on that account the Legislature have found it necessary to interfere for the public safety. They have done so. Since the repeal of the Navigation Laws the principal Act has been the Merchant Shipping Act of 1854. From that time down to the year 1873 frequent amending Acts have been passed. In that year the hon. Member for Derby (Mr. Plimsoll) called more active attention to the subject, and stimulated legislation—as I freely admit, most creditably to himself and most usefully to the country. At the same time it must be borne in mind that he only stimulated legislation which was then in progress, and that the Act passed after he brought the subject so much forward was simply a confirmation and extension of the Act which had preceded it by two years. In 1873 Her Majesty issued a Commission to the Duke of Somerset and others to inquire into the subject, and the Royal Commissioners collected a mass of the most authoritative evidence, and made a most able Report. I suppose everyone in the House who is at all interested in the matter is well acquainted with that Report. Of the suggestions made by the Royal Commission, some of the most important are not ripe for immediate legislation. The subject of marine insurance, for instance, though I believe it to be at the root of the whole matter, could not be dealt with hastily or immediately by legislation until some concert had been taken with other nations. Such correspondence we are now engaged in. When I say that marine insurance is at the root of the whole matter, I mean that those who degrade the Merchant Service by using unseaworthy ships are rendered more reckless by the present state of the law on marine insurance. Another subject not yet ripe for legislation is pilotage, and a third relates to tonnage dues, which—and I myself had painful experience of this last year—cannot be dealt with here as yet on sound principles with any chance of securing international agreement. Some of the suggestions made by the Royal Commissioners, not requiring legislation, have been at once

carried out, and the present Bill proposes to carry out the remainder. For example, we have strengthened the Marine Department of the Board of Trade by adding a second nautical adviser. We have improved the organization of the surveying staff; and here I may say that it was impossible to do so more quickly, for the men were not to be found. We have also added to the Department a law adviser, who will conduct prosecutions for the Board of Trade. The other suggestions of the Royal Commission require legislation, and with these points the Bill deals. They may be ranged under four heads, and in this respect the Bill follows the divisions of the principal Act of 1854 in order to avoid as much as possible rendering more complicated legislation which is too complicated already. The Bill deals with the discipline on board merchant ships; the safety of ships and those on board; improved inquiries into casualties at sea; and the training of boys for service at sea. I may, perhaps, mention that I have had prepared by the Board of Trade a digest of all the existing Acts on the subject, on the plan of the Digest of Sanitary Acts, which was prepared in 1873. I had to-day the pleasure of laying on the Table this digest of the Merchant Shipping Acts, and, as there is a complete index, I hope it may almost supply the place of an actual codification of the law. I will now state briefly to the Committee the mode in which the Bill proposes to deal with the four subjects of discipline, the safety of vessels, inquiries into casualties, and training boys for the service. With regard to discipline, the Royal Commission say, in their Report, that the evidence affords ample proof that masters of vessels have not at this moment sufficient control over their men, and that the men can be guilty with impunity of the grossest dereliction of duty. Following their suggestion, the Bill will propose, in the first place, to render illegal the system of advance notes. The object of that alteration is to save the sailor from the crimps, who are at the bottom of the want of discipline in the Merchant Service; and the Bill provides, at the same time, means by which sailors may get any necessary outfit from the shipowners. Then we recast what I may call the criminal code of the Marine Service. The Bill takes out of

the hands of the Board of Trade and the local Marine Boards, charges against certificated officers—that is, masters, mates, and engineers—and places all such proceedings in the hands of stipendiary magistrates; or, failing them, in the hands of the local Admiralty Courts. At the same time, it is proposed that all Assessors should be appointed, not, as hitherto, by the Board of Trade, which ought to be the prosecutor, and should not, therefore, share in the office of Judge, but by the High Court of Admiralty. It is also proposed that if, before the new tribunal, a certificated officer should be convicted of incompetency, his certificate should in no case be suspended, but should be cancelled, either wholly, or with a lower certificate substituted. As to the offences of seamen, the Bill proposes to repeal all the existing enactments on this subject, and to make a better classification, graduation, and arrangement of many scattered enactments constituting what may be called the criminal code on board ship. The only addition to the list of offences—and it is strange that at such a late hour it should be necessary to make such an addition—will be neglect to keep a look-out or sleeping on the watch. A new principle will be introduced, by which double punishment will be inflicted in cases of drunkenness and other offences committed under circumstances which endanger the ship, or the lives of those on board. The Bill also proposes a somewhat more easy and summary process in the case of all offences short of mutiny. On this point I may say that a measure is in contemplation, enabling Her Majesty to enter into Consular Conventions with other Powers, which will enable Her Majesty to make mutual arrangements with those Powers for bringing the law to bear in foreign ports. So much as to discipline. Now as to the safety of ships and seamen. The principal Act of 1854 contains one whole part—Part IV.—relating to the safety of the ship and prevention of accidents. The Act of 1862 improved those provisions. The Act of 1871 imposed upon the Board of Trade the delicate and difficult duty of stopping unseaworthy ships, and also made the sending such ships to sea a misdemeanour. The Act of 1873 increased the duties of the Board in the way of stopping ships from going to sea on the

score of unseaworthiness or overloading. As to Government survey, the Bill does not depart from the principle, now acted upon, of obtaining good and trustworthy information, and dealing only with cases which are reported as suspicious. The Committee, probably, know what is done now in the way of legislative survey. Besides the survey of all ships on the first Registry, the Board of Trade surveys passenger ships annually, stops all ships suspected of being unseaworthy, enforces repairs or alters loading, and takes legal proceedings in certain cases. I agree with the Royal Commissioners that a general periodical Government survey of all ships would, even if possible, be most mischievous and vexatious, and not only that, but I will go further and say that it would be fatal to its object; because if the Government were to certify continually all ships in the Merchant Service, it would be impossible, in the case of any casualty, that anyone but the Government should be made responsible. On the other hand, on the principle which has been adopted by Parliament, and which we continue to act upon, proceedings against ships reported to be unseaworthy have led almost invariably to conviction and punishment. Every such case acts also as a general warning to owners of unseaworthy ships, and this course of action tends to the total eradication of unseaworthy ships from the service. We altogether decline to certify the whole Mercantile Navy; a course which would not only be vexatious in itself, impede improvement, and shackle our commerce in foreign competition, but which would relieve shipowners of the liabilities which are the chief security of public safety. The Bill makes other provisions for safety by dealing with overloading, deck-loads, supply of boats, adjustment of compasses, and by increasing the liability of ship-owners for damages to persons or property on board arising from the unseaworthiness of ships. As to overloading, we see no possibility of making a compulsory load-line. On the contrary, we think the attempt would be most mischievous and delusive; but we do adopt the suggestion of the Commissioners that there should be an added scale of feet downwards amidships to test the buoyancy of ships, as a caution against overloading, as affording instructions to the surveyors, and as

Sir Charles Adderley

a record and evidence in case of casualty. As to deck-loads, we do not entirely adopt the recommendation of the Commissioners, but we do to this extent—that every ship carrying a deck-load should report to the Customs the weight, bulk, and character of any such cargo, and should also have an entry to that effect in the log-book. The various regulations as to the provision of boats in the Acts of 1854 and 1862, and the Passenger Acts, are all reduced in the Bill to a uniform principle, with elastic rules to meet special cases; and the adjustment of compasses we propose to entrust only to persons who have been examined and certified as competent for such a duty. As regards the liability of ship-owners, we propose to make it unlimited with respect to any damage to persons or property on board, caused by their having knowingly, and without excuse, sent unseaworthy ships to sea. Lord Campbell's Act is also extended to seamen. The Bill proposes to make a charge on the Mercantile Marine for the training of boys for the Merchant Service. Lastly, it makes a material improvement in the system of investigating casualties, separating the first inquiry into the circumstances and causes of any casualty from any criminal proceedings subsequently taken against all who appear to have been culpable. The preliminary inquiry by the Receiver of Wrecks will remain the same as it is, except in so far as regards its extension to foreign ships and boats, the omission of the condition of material damages having been incurred, and a slight improvement in the nature of the evidence. The formal inquiry which may follow the preliminary one will be simply an inquest, and taken altogether out of the hands of ordinary justices and placed in the hands of stipendiary magistrates with Assessors appointed by the Admiralty, so that the Board of Trade will stand altogether clear of any judicial action, ready to take criminal proceedings in the ordinary Courts of Law as prosecutor against guilty parties. These are the main enactments proposed by this Bill, which is a measure entirely independent of party. Drawn up with careful attention to the Report and collection of evidence of the Royal Commission on the subject, I hope it will, with perhaps some modifications, be accepted by the House. The question, though not a party one in any

way, is one of great national interest; and I believe, after having carefully considered the matter with those who are best able to give advice, that the Bill will be found calculated to ameliorate the condition and character of our merchant seamen, place the shipowner in a sounder and more satisfactory position before the law, and at the same time enable the Department, on which a delicate and difficult task is imposed, to develop more vigorously the powers with which it has been entrusted.

MR. PLIMSOLL said, that when first he heard the Government intended to bring in a Merchant Shipping Bill his hopes were highly raised, and he felt like a shipwrecked sailor who saw a sail in the horizon bearing down towards him; but now he had ascertained what kind of a measure it was, he felt like that shipwrecked sailor would feel when, the ship having come quite close to him, it suddenly altered its course and left him to his fate, with the only consolation that his case would be inquired into when the vessel reached home. Since he had listened to the speech of the right hon. Gentleman, he must confess his hopes and the expectations in which he had indulged had undergone a similar diminution. The President of the Board of Trade had certainly respected the rights of property, and the right hon. Gentleman had told them he did not wish to interfere with the freedom of commerce. The Committee had also had the old bugbear again dangled before them. They were told that ship-owners would be held responsible for wrong-doing. He maintained that responsibility in this case was an utter delusion, because as a rule the registered owners were not the actual owners of the ships, and thus it would be most difficult to punish the proper parties. Before proceedings could be taken against a ship-owner, it would be necessary to prove that he had previous knowledge of the ship's unseaworthiness, and it would be found that the Bill in this respect was an utter delusion. The existing law on this point was practically inoperative. The President of the Board of Trade had told the Committee that shipowners could be made responsible; but he would ask the right hon. Gentleman whether it was not a fact that only one firm had been punished? and he would also ask the right hon. Gentleman

whether he thought that even they would have been done anything to if they had been Members of Parliament? The Board of Trade would rely on the detection of vessels on certain information afforded to them. What kind of information did they require? The right hon. Gentleman had also said he would decline to certify the whole of the Mercantile Navy of the country. He (Mr. Plimsoll) never proposed anything of the kind. What he said had reference to unclassed ships, and to the necessity for their examination. He wished to direct the attention of the Committee to a case which had recently happened. On the 19th of December last he received information from a most reliable source, which he could thoroughly trust, that the owners of the *La Plata* were sending out the *Sydney Hall*, with the remainder of the cable which the former ship had to lay, in a very unseaworthy condition. The fullest particulars were given to him as to the repairs which were necessary, and he was told that 46 seamen would be taken on board the next morning. The information was so specific that he at once sent a messenger up to Whitehall begging the Board of Trade to stop the ship, offering at the same time the name of his informant, but said that he would rather have the responsibility placed upon his own name. At 10 o'clock at night a special messenger came to say that the Receiver of Customs was to detain the vessel, but with the distinct assumption that if the information proved erroneous, he should indemnify the Board of Trade and the owner of the ship for all costs and charges. He (Mr. Plimsoll) did not shrink from that responsibility, and the vessel was stopped; and he subsequently learned that the vessel had been condemned by the Board of Trade, and a large quantity of repairs were ordered to be done upon her. The owner protested against this, and offered £100 for the name of the person who had given the information; and he also called in an independent surveyor, but that gentleman certified for more extensive repairs than had been ordered by the Board of Trade. Now, if the Board expected any one to give them information, which could only be given at the peril of the person giving it, he asked the Committee how much information that Board was likely to get? He be-

lieved that the Board had acted only on information so forwarded to them; but, practically, the only persons who knew what was the condition of the ship were the people on board, and people who had business relations with the owner; and neither of these classes of people could give information without running the risk of sacrificing their means of livelihood. It was in vain to suppose that, under such circumstances, information would be forwarded to the Board. The right hon. Gentleman, in introducing the Bill, said he adopted the recommendation of the Royal Commission to the effect that a scale in feet should be marked upon every merchant vessel amidships, to indicate the number of feet she was out of the water. This was a step in the right direction; but he would observe that they already had from every port a statement of the amount of free-board, and to paint such matter upon the side of the vessel would not be much more useful. Moreover, unless the unit adopted was much smaller than a foot, the use of the scale would be of little use in the case of many ships sailing from English ports. He had a record of one vessel which was loaded with iron, and which left in mid-winter with less than 11 inches of free-board. A steamer—the *Volga*—left Cardiff in 1873, having 15 feet depth of hold, and the return stated that she had only one inch of free-board. By his direction a letter was written to the Board of Trade to know if there was any error in the return, and the Board replied that they saw no reason to doubt it. There were two other vessels, each having 13 feet depth of hold and loaded with iron, and they had respectively 4½ and 7½ inches of free-board. The Committee had been told that in future there would be more strict inquiries in the case of ships which were lost; but what he wanted to see was the adoption of a system under which the loss of ships would be prevented, at any rate to a very considerable extent, by a careful examination of them before they were allowed to proceed to sea. One-half of the losses would be prevented by the expenditure upon preliminary examinations of the money which was now found necessary to pay the expense of Board of Trade inquiries into the circumstances attending the loss of vessels and the enormous waste of human lives. On the whole,

Mr. Plimsoll

the measure introduced by the President of the Board of Trade was weak and ineffectual, and seemed to fall lamentably short of meeting the requirements of the case, for the reason mainly that it contained no provision for the surveying of ships and none to prevent over-loading.

MR. T. BRASSEY, as a Member of the Royal Commission on Unseaworthy Ships, said, the Commission approached the consideration of the important questions referred to them with the most perfect impartiality, and the most sincere desire to arrive at a sound and just judgment upon the matters referred to them for investigation. With respect to the question of load-line, it was right to mention that in no other maritime country had it been thought judicious by the Government to insist upon the principle of a load-line in the Merchant Navy, the different circumstances necessary to be considered in fixing a maximum load-line being so complicated, as to make it practically impossible to insist on any uniform rule. At the same time, the Commission felt that it was essential not to absolve shipowners from all responsibility in this matter. In common with all those who took an interest in the subject, he wished to acknowledge in the fullest manner the immense services which had been rendered by the hon. Member for Derby (Mr. Plimsoll) in directing public attention to this question. He thought, however, that the hon. Gentleman was mistaken in respect to the extent to which loss of vessels at sea was to be attributed to over-loading. The right hon. Gentleman the President of the Board of Trade had stated very truly that the condition of the law in reference to marine insurance lay at the very root of this most important subject. In the present state of the law, there were many cases in which the insured could recover more than the value of his ship if it happened to be lost, and it was most desirable that the law should, if possible, be amended, and marine insurance limited to indemnity for losses actually sustained. If the present state of things could be revised, it would be a most desirable consummation, and he trusted the Government would not lose sight of the point. If no other means could be adopted, a Commission should be appointed to inquire into and report

upon the question. He was glad to find that the Government had strengthened the Board of Trade in its Marine Department; but a still further development in this direction would be necessary, if the country was to rely upon the action of the Department to enforce the laws which Parliament had passed.

MR. GOURLEY said, he was disappointed with the Bill as being too severe, and rather than accept the Government Bill, as indicated by the President of the Board of Trade, he would give a preference to the Bill introduced to the House some time back by the hon. Member for Derby (Mr. Plimsoll). The Government measure left it to the shipowners and shipmasters to determine the seaworthiness or otherwise of the ships; whereas, in the Bill of the hon. Member for Derby, rules were laid down for guidance in that respect. It was an attempt to place the shipowners in the position of unlimited liability companies, for the loss of passengers going to sea in their ships, so that the result of a single accident might be to reduce a millionaire to poverty. There were already on the Statute Book, Bills relating to merchant shipping, which contained not less than a thousand clauses, and to these it was proposed to add another lengthy measure—a course the only effect of which would be to make “confusion worse confounded.” The principle of prevention would be much better than seeking for a remedy after a disaster had occurred. In his opinion, the first thing which the Government ought to have done was to have introduced a Bill with the object of codifying the existing laws on the subject of merchant shipping. Owing to the enormous number of statutes with reference to the shipping interest, it was quite impossible for masters of ships and shipowners to understand what course they should take. The right hon. Gentleman proposed to repeal the Amendments to Lord Campbell’s Act, but what did that mean? It simply meant that shipowners, instead of registering their ships in England, would register them in other countries, where they were safe from the responsibility this Bill sought to impose on them—namely, unlimited liability for loss of life and property. He admitted there were some things in the Government measure which he thought would

be a considerable advantage, and one of those was the prevention of over deck-loading. He was also very glad that it was proposed to abolish advance notes, and he suggested that the shipowners and shipmasters should be permitted to pay the wages of the seamen on board ship directly they arrived in port, instead of at the shipping offices. In that way, they would be able to keep the men out of the hands of the crimps. His own opinion was, that the only way out of many of the difficulties that had arisen was by appointing a competent staff of surveyors, to have a proper survey, especially if they were to insist upon a recognized load-line. He did not think there need be any insuperable difficulty in carrying out such an idea. It was dealt with at New York and Montreal. For his own part, he would rather have a regular survey and a load-line applicable to the build of the vessel, fixed when first loaded in some degree such as was suggested by the hon. Member for Derby, than be subjected to the uncertainties and inconveniences of the existing law.

Mr. RATHBONE thought it would be better to discuss the merits of the Bill on the second reading, when they had the details before them; for the hon. Member for Derby had told the House that the Bill was utterly weak and ineffectual, while the junior Member for Hull had said it was so stringent that he preferred the recommendations of the hon. Member for Derby. He (Mr. Rathbone) could not agree with the junior Member for Hull that it was desirable to codify before they amended a branch of the law—quite the contrary, amendment ought to come first and codification afterwards. He thanked the right hon. Gentleman for the promise he had given that the law should be digested.

Mr. SHAW LEFEVRE said, that on a future occasion he would be quite prepared to discuss all the details of the Bill; but, on the present occasion, he should abstain from doing so. He was glad that some legislation was to be attempted on the subject. It was not, and ought not to be regarded as a party question, and the sole object of the House ought to be to abate human misery and preserve life. The right hon. Gentleman proposed to give aid on a liberal scale to training ships for the Mercantile Ma-

rine, the money to be provided out of the Mercantile Marine Fund; but as that fund was contributed by the shipowners, the proposal would, in fact, be a tax upon them. Besides, foreign shipowners contributed to the fund in question, and it was worthy of consideration how far they ought to contribute towards the training of boys for the British Mercantile Marine. The right hon. Gentleman would, he trust, lay upon the Table full details with regard to these points at a future stage of the Bill. In dealing with insurance, the right hon. Gentleman said, the assent of foreign Governments to the main portions of the proposed clause must be obtained; but it appeared to him that in the Report of the Royal Commission several recommendations were made which did not so much affect the general law of insurance, as the special law of this country, and which might have been judiciously included in the Bill. He had no doubt, however, that the right hon. Gentleman would be able to show the Committee that he had taken steps to procure the assent of foreign Governments to some greater changes in the general law.

Mr. WILSON, as the representative of a large shipping community, wished to express his opinion that the proposals of the hon. Member for Derby (Mr. Plimsoll) were more likely to tend to the preservation of life at sea than the programme sketched out by the President of the Board of Trade. Prevention was better than cure, and if a survey was to be of any real practical use, it ought to be made before the vessel was sent to sea, and not after the mischief was done. The general feeling in Hull was that it was comparatively useless to make surveys, and to institute inquiries, after a ship had been lost and the lives of the seamen sacrificed. Again, many practical men, in common with himself, were of opinion that there was not the slightest difficulty in fixing a load-line, and shipowners would be much better pleased if such a course were adopted. In all our ports, associations of shipowners, of ship-masters, and of sailors and firemen had been formed, and it appeared to him that such associations, acting to some extent in antagonism to each other, were doing more to damage our mercantile supremacy at sea than was commonly imagined. The Government, while

shrinking from the responsibility of fixing a load-line, actually held Courts of Inquiry and punished a captain who was supposed to have exceeded the limit of safety. How could anyone expect captains of vessels themselves to do what Her Majesty's Government, backed up with the assistance of a large staff of surveyors, declined to undertake? In the course of the last few weeks, the captain of a steamer belonging to Hull had the misfortune to lose his vessel; but, although he saved the lives of all on board, and stuck by her to the last, his certificate had been suspended for 12 months. Great indignation prevailed at Hull in reference to this case, and an appeal had been made to the Board of Trade, but as yet no action had been taken by that Department in the matter.

Mr. D. JENKINS said, he was glad the Government had taken this important question out of the hands of private Members, but he regretted the Bill did not go further. For example, it ought to have provided for the compulsory survey of all unclassified ships; and he trusted that when the Bill was in Committee, clauses would be inserted providing for that object.

Mr. E. J. REED hoped ample opportunity would be given for the discussion of the Bill, for he could hardly believe an Administration so strong as that which now occupied the Treasury Bench would be content to introduce a measure which simply did as little as possible in satisfaction of a great public demand. In his opinion, our merchant shipping could not be properly dealt with by the Board of Trade until that body was itself dealt with. The present Bill did not provide those guarantees for safety which many hon. Members thought necessary; but, at the same time, such parts of the measure as were good would be welcomed. His present impression was that the Bill did not deal with the whole question on a sufficiently broad basis, and he hoped the hon. Member for Derby (Mr. Plimsoll) would insist upon the adoption of many of his requirements.

Motion agreed to.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Merchant Shipping Acts.

House resumed.

Resolution reported:—Bill ordered to be brought in by Sir CHARLES ADDERLEY, Mr. CAVENDISH BENTINCK, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 4.]

EAST INDIA (COMPENSATION OF OFFICERS).

MOTION FOR A SELECT COMMITTEE.

LORD GEORGE HAMILTON, in moving—

"That a Select Committee be appointed to inquire into the measures adopted by the Government of India under the authority of a Despatch, No. 160, dated the 8th day of August 1866, and to report whether it is expedient to insist upon the deductions from the *bonâ fide* claims of Officers referred to in an humble Address from this House of the 28th day of June 1870,"

said, the claims of the officers of the East Indian Army, referred to in the Motion, had been frequently before the House. The system of purchase in that service had sprung up at the beginning of the present century. It was the custom of junior officers to pay sums of money to their seniors to retire, in order that they might obtain promotion, and when the Directors of the East India Company became aware of the existence of the practice, they informed the officers of the Army that they would not enforce a regulation which compelled the officers on promotion to take an oath that they had not given any pecuniary compensation for the step they obtained, and this they did, being satisfied that the purchase system tended to efficiency, and the bonus system in question was established. The Mutiny intervened, and the re-organization of the Army consequent upon it introduced changes which deprived officers who had retired of the compensation which, under the old regimental system, they might have obtained from their juniors. It was contended on their behalf that they were legally entitled, by the Parliamentary guarantee, to compensation for their loss; but the tribunals to which the question was submitted decided that the officers had no legal claim, and Sir Charles Wood therefore declined to entertain it. Lord Cranborne, however, when Secretary of State for India, proposed a scheme of compensation under which the officers injuriously affected by

the amalgamation scheme would receive—as was calculated—about £160,000, and the carrying out of the scheme was to be spread over 20 years. On the estimate made the amount to be paid to the officers during the nine years which had elapsed would be about £100,000, but in fact all that they had received was £35,000. In the year 1870, the late Colonel Sykes moved in that House an Address to Her Majesty on the subject of those claims, and, although the late Government opposed the Motion, it was carried by a considerable majority. The Address was, perhaps, capable of two interpretations; but, at all events, the late Government took no action upon it, except to direct further inquiry to be made. Lord Salisbury, in the House of Lords, when the Army Regulation Bill was under consideration, urged upon the attention of the Duke of Argyll, then Secretary of State for India, the fact that the compensation provided for officers of the British Army would naturally increase the sense of grievance entertained by the officers of the Indian Army, and expressed a hope that their claims would be favourably considered. Nothing, however, was done, and the present proposal was practically to refer to a Select Committee the subject of the Address which was carried five years ago. The reason the Motion was made thus early in the Session was that a Select Committee on East Indian Finance was about to sit to complete certain inquiries as to which they had taken evidence, but had not yet reported. Before doing so, they could easily, in a few sittings, dispose of this subject, which he now moved might be referred to a Select Committee. An agitation, which was essentially a House of Commons agitation, had been going on for some time; but it was impossible to make a concession that would please everybody, or discuss it satisfactorily in that House, therefore it was he took the course proposed.

GENERAL SIR GEORGE BALFOUR congratulated the noble Lord upon the clear manner in which he had explained to the House the way the bonus system of the Indian Army had originated, there being only one omission—that relating to the Directors of the East India Company offering to grant annuities on favourable terms in aid of subscriptions for the officers, in order to induce old

officers to retire. He also thanked the noble Lord the Secretary of State for India for authorizing the appointment of this Select Committee, thus ensuring a near settlement of the question to which this Motion referred. It was an inquiry which would gratify the officers whose claims were to be the subject of it, and get rid of an agitation which had been allowed to exist for too long a period. So great an agitation for so small a sum was much to be lamented, but the inquiry need not occupy the Committee for more than a few days, because they had simply to determine whether they could, in propriety and fairness, recommend the extent of the concession that should be given to the officers.

Motion agreed to.

Select Committee appointed, “to inquire into the measures adopted by the Government of India under the authority of a Despatch, No. 160, dated the 8th day of August 1866, and to report whether it is expedient to insist upon the deductions from the *bonâ fide* claims of Officers referred to in an humble Address from this House of the 28th day of June 1870.”
—(Lord George Hamilton.)

And, on February 15, Committee nominated as follows:—Sir GEORGE BALFOUR, Mr. BRASSEY, Mr. CAMPBELL-BANNERMAN, Mr. DENISON, Lord ELCHO, Mr. FAWCETT, Lord GEORGE HAMILTON, Sir HENRY HAVELOCK, Mr. HERMON, Colonel JERVIS, and Sir HENRY WOLFF:—Power to send for persons, papers, and records; Three to be the quorum.

BANKERS ACT AMENDMENT BILL.

LEAVE. FIRST READING.

Act considered in Committee.

(In the Committee.)

MR. GOSCHEN, in moving that the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Bankers Act, said, he might, perhaps, be allowed, as the title of the Bill did not carry any explanation with it, to state its general effect. No English bank that had the right of issuing bank-notes could come to London, or set up a branch within 65 miles of London, without sacrificing its issues. On the other hand, there was no provision to prevent the Scotch banks—and it was believed to be a *casus omissus* in the legislation of 1844-5—from coming to London, although they did not thereby forfeit the right of issue. The anomaly had been witnessed in actual operation, because the National Provincial Bank of

Lord George Hamilton

England had sacrificed its issues in order to come to London, while the Scotch banks need not do so, although they were able to bank in the North of England under conditions forbidden to English banks. He did not take up this question as a question of banks against banks; but in the public interests it was undesirable that the bank monopoly should increase in value. The Scotch banks already enjoyed considerable privileges, and if they were allowed to trade in London, while the English banks could not increase their issues, the value of the monopoly would be increased, and it would be more difficult to deal with it by future legislation, if the House should feel inclined to do so at a future time; therefore, on that ground it appeared to him and others that something should be done. He would explain the Bill in detail on the second reading.

THE CHANCELLOR OF THE EXCHEQUER inquired whether the Bill was intended to include Ireland?

MR. GOSCHEN said, that the Bill as it was drawn touched the Scotch banks only, but he believed it might be made to include Ireland. He should be prepared to deal with that question if it were found desirable to raise it.

MR. ANDERSON said, that if the Scotch banks crossed the Border they did not bring their note issue with them. There was no objection to the English banks going into Scotland if they pleased—in fact, they did so, and traded there as they wished—and for that reason he should oppose the Bill.

Motion agreed to.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Bankers Act.

House resumed.

Resolution reported:—Bill ordered to be brought in by Mr. GOSCHEN, Mr. WEGUELIN, and Mr. BARING.

Bill presented, and read the first time. [Bill 10.]

NEW WRITS.

Ordered, That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judge has reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days'

previous notice being given in the Votes, such notice to be appointed for consideration before the Orders of the Day and Notices of Motion.—(Mr. Dyke.)

HYPOTHEC (SCOTLAND) BILL.

On Motion of Mr. VANS AGNEW, Bill to abolish the Landlord's right of Hypothec for rent in Scotland except in regard to Dwelling Houses, ordered to be brought in by Mr. VANS AGNEW, Mr. BAILLIE HAMILTON, Sir WILLIAM STIRLING MAXWELL, and Sir GEORGE DOUGLAS.

Bill presented, and read the first time. [Bill 5.]

UNIVERSITIES (SCOTLAND) (DEGREES TO WOMEN) BILL.

On Motion of Mr. COWPER-TEMPLE, Bill to remove doubts as to the powers of the Universities of Scotland to admit Women as Students and to grant Degrees to Women, ordered to be brought in by Mr. COWPER-TEMPLE, Mr. RUSSELL GURNEY, Mr. ORR EWING, and Dr. CAMERON.

Bill presented, and read the first time. [Bill 6.]

BANKRUPTCY (SCOTLAND) LAW AMENDMENT BILL.

On Motion of Mr. FORTESCUE HARRISON, Bill to amend the Law of Bankruptcy Act in Scotland, ordered to be brought in by Mr. FORTESCUE HARRISON, Mr. ANDERSON, and Mr. WILLIAM HOLMS.

Bill presented, and read the first time. [Bill 7.]

BILLS OF SALE ACT AMENDMENT BILL.

On Motion of Mr. LOPES, Bill to amend the Act of the seventeenth and eighteenth Victoria, chapter thirty-six, relating to Bills of Sale, ordered to be brought in by Mr. LOPES and Mr. GREGORY.

Bill presented, and read the first time. [Bill 8.]

ANCIENT MONUMENTS BILL.

On Motion of Sir JOHN LUBBOCK, Bill for the preservation of Ancient Monuments, ordered to be brought in by Sir JOHN LUBBOCK, Mr. RUSSELL GURNEY, Mr. BERESFORD HOPE, and Mr. OSBORNE MORGAN.

Bill presented, and read the first time. [Bill 9.]

BURIALS BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws.

Resolution reported:—Bill ordered to be brought in by Mr. OSBORNE MORGAN, Mr. SHAW LEFEVRE, Mr. M'ARTHUR, and Mr. RICHARD.

Bill presented, and read the first time. [Bill 11.]

GAME LAWS ABOLITION BILL.

On Motion of Mr. P. A. TAYLOR, Bill for the Abolition of the Game Laws, ordered to be brought in by Mr. P. A. TAYLOR, Mr. BURT, Mr. DIXON, and Mr. M'COMBIE.

Bill presented, and read the first time. [Bill 12.]

HIGH COURT OF JUSTICIARY (SCOTLAND) BILL.

On Motion of Mr. CHARLES CAMERON, Bill to amend the Law relating to Appeals to the High Court of Justiciary in Scotland, *ordered* to be brought in by Mr. CHARLES CAMERON, Mr. MACDONALD, Mr. MACKINTOSH, and Mr. WILLIAM HOLMS.

Bill presented, and read the first time. [Bill 13.]

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

On Motion of Mr. RICHARD SMYTH, Bill to prohibit the Sale of Intoxicating Liquors on Sunday in Ireland, *ordered* to be brought in by Mr. RICHARD SMYTH, The O'CONOR DON, Viscount CRICHTON, Mr. DEASE, Mr. JAMES CORRY, Mr. WILLIAM JOHNSTON, Mr. DICKSON, and Mr. REDMOND.

Bill presented, and read the first time. [Bill 14.]

INTOXICATING LIQUORS (SUNDAYS) BILL.

On Motion of Mr. WILSON, Bill to prohibit the Sale of Intoxicating Liquors on Sundays, *ordered* to be brought in by Mr. WILSON, Mr. BIRLEY, Mr. OSBORNE MORGAN, Mr. M'ARTHUR, and Mr. DAVID JENKINS.

Bill presented, and read the first time. [Bill 15.]

ELEMENTARY EDUCATION (COMPULSORY ATTENDANCE) BILL.

On Motion of Mr. DIXON, Bill to amend the Education Act, 1870, by making obligatory in England and Wales the attendance of children at School, and the formation of School Boards, *ordered* to be brought in by Mr. DIXON, Mr. MUNDELLA, Sir JOHN LUBBOCK, and Mr. TREVELYAN.

Bill presented, and read the first time. [Bill 16.]

AGRICULTURAL LABOURERS' DWELLINGS (IRELAND) BILL.

On Motion of Mr. BRUEN, Bill to encourage the erection and improvement of Dwellings for Agricultural Labourers in Ireland, *ordered* to be brought in by Mr. BRUEN, Viscount CRICHTON, and Mr. KAVANAGH.

Bill presented, and read the first time. [Bill 17.]

WILD ANIMALS (SCOTLAND) BILL.

On Motion of Mr. JAMES BARCLAY, Bill to amend the Laws relating to Wild Animals in Scotland, *ordered* to be brought in by Mr. JAMES BARCLAY, Mr. TREVELYAN, and Mr. FORDYCE.

Bill presented, and read the first time. [Bill 18.]

PERMISSIVE PROHIBITORY LIQUOR BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Owners and Occupiers of Property in certain districts to prevent the common sale of Intoxicating Liquors within such districts.

Resolution reported: — Bill *ordered* to be brought in by Sir WILFRID LAWSON, Sir THOMAS BAZLEY, Mr. DOWNING, Mr. RICHARD, Dr. CAMERON, Mr. DALWAY, and Mr. WILLIAM JOHNSTON.

Bill presented, and read the first time. [Bill 19.]

HOUSEHOLD FRANCHISE (COUNTIES) BILL.

On Motion of Mr. TREVELYAN, Bill to extend Household Franchise to Counties, *ordered* to be brought in by Mr. TREVELYAN, Mr. OSBORNE MORGAN, Sir ROBERT ANSTRUTHER, Mr. LAMBERT, and Mr. BLENNERHASSETT.

Bill presented, and read the first time. [Bill 20.]

SHERIFF COURTS (SCOTLAND) BILL.

On Motion of Mr. ANDERSON, Bill to extend the Jurisdiction of Sheriff Courts in Scotland, *ordered* to be brought in by Mr. ANDERSON, Colonel MURE, and Mr. M'LAGAN.

Bill presented, and read the first time. [Bill 21.]

PUBLIC WORSHIP FACILITIES BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide facilities for the performance of Public Worship according to the Rites and Ceremonies of the Church of England.

Resolution reported: — Bill *ordered* to be brought in by Mr. SALT, Mr. CAWLEY, Mr. COWPER-TEMPLE, Mr. NORWOOD, and Sir HENRY WOLFF.

Bill presented, and read the first time. [Bill 22.]

MUNICIPAL CORPORATIONS (IRELAND) BILL.

On Motion of Mr. RONAYNE, Bill to extend to Municipal Corporations in Ireland certain privileges now exercised and enjoyed by Municipal Corporations in England, *ordered* to be brought in by Mr. RONAYNE, Mr. BUTT, and Mr. BRYAN.

Bill presented, and read the first time. [Bill 41.]

GLEBE LANDS (IRELAND) BILL.

On Motion of Mr. MULHOLLAND, Bill to enable Limited Owners to grant or demise Lands for Glebes in Ireland, *ordered* to be brought in by Mr. MULHOLLAND, Mr. BRUEN, and Viscount CRICHTON.

Bill presented, and read the first time. [Bill 23.]

CONTAGIOUS DISEASES ACTS REPEAL BILL.

On Motion of Sir HARCOURT JOHNSTONE, Bill to repeal the Contagious Diseases Acts 1864, 1866, 1868, and 1869, *ordered* to be brought in by Sir HARCOURT JOHNSTONE and Mr. STANSFELD.

Bill presented, and read the first time. [Bill 24.]

WOMEN'S DISABILITIES REMOVAL BILL.

On Motion of Mr. FORSYTH, Bill to remove the Electoral Disabilities of Women, *ordered* to be brought in by Mr. FORSYTH, Sir ROBERT ANSTRUTHER, and Mr. RUSSELL GURNEY.

Bill presented, and read the first time. [Bill 25.]

CHURCH RATES ABOLITION (SCOTLAND) BILL.

On Motion of Mr. M'LAREN, Bill to abolish Church Rates in Scotland, *ordered* to be brought in by Mr. M'LAREN, Dr. CAMERON, Mr. BAXTER, Mr. TREVELYAN, Mr. GRIEVE, Mr. LAING, and Sir GEORGE BALFOUR.

Bill *presented*, and read the first time. [Bill 26.]

COUNTY BOARDS (IRELAND) (NO. 2) BILL.

On Motion of Mr. O'SHAUGHNESSY, Bill to provide for the better administration of public moneys now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish counties for the management of local affairs, *ordered* to be brought in by Mr. O'SHAUGHNESSY and Mr. BUTT.

Bill *presented*, and read the first time. [Bill 27.]

BOROUGH FRANCHISE (IRELAND) BILL.

On Motion of Sir JOSEPH M'KENNA, Bill to assimilate the Borough Franchise in Ireland to that in England, *ordered* to be brought in by Sir JOSEPH M'KENNA, Mr. BUTT, and Mr. BRYAN.

Bill *presented*, and read the first time. [Bill 28.]

REPRESENTATION OF THE PEOPLE ACTS AMENDMENT BILL.

On Motion of Sir HENRY WOLFF, Bill to amend in certain particulars an Act of the second year of His late Majesty King William the Fourth, intitled "An Act to amend the Representation of the People in England and Wales," and "The Representation of the People Act, 1867," *ordered* to be brought in by Sir HENRY WOLFF, Sir CHARLES LEGARD, Sir CHARLES RUSSELL, Mr. CALLENDER, and Mr. RYDER.

Bill *presented*, and read the first time. [Bill 29.]

BANK HOLIDAYS ACT (1871) EXTENSION AND AMENDMENT BILL.

On Motion of Mr. RITCHIE, Bill to extend to the Docks, Custom Houses, Inland Revenue Offices, and Bonding Warehouses in England and Ireland certain of the provisions of "The Bank Holidays Act, 1871," and to amend the same, *ordered* to be brought in by Mr. RITCHIE, Mr. WHEELHOUSE, Mr. KAY-SHUTTLEWORTH, and Sir COLMAN O'LOOHLIN.

Bill *presented*, and read the first time. [Bill 30.]

MERCHANT SHIPPING ACTS AMENDMENT (NO. 2) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Acts relating to Merchant Shipping.

Resolution reported: — Bill *ordered* to be brought in by Mr. PLIMSOLL, Mr. ROEBUCK, Mr. SAMUDA, and Mr. KIRKMAN HODGSON.

Bill *presented*, and read the first time. [Bill 31.]

PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) BILL.

On Motion of Sir HENRY JAMES, Bill to provide for the remuneration of Returning Officers at Parliamentary Elections, *ordered* to be brought in by Sir HENRY JAMES and Sir WILLIAM HARCOURT.

Bill *presented*, and read the first time. [Bill 32.]

COMMON LAW PROCEDURE ACT (1852) AMENDMENT BILL.

On Motion of Mr. WADDY, Bill to remove doubts which have arisen in respect to the true interpretation of certain sections of "The Common Law Procedure Act, 1852," *ordered* to be brought in by Mr. WADDY, Mr. LOPES, Mr. CHARLES LEWIS, and Mr. MORGAN LLOYD.

Bill *presented*, and read the first time. [Bill 33.]

MUNICIPAL FRANCHISE (IRELAND) BILL.

On Motion of Sir JOSEPH M'KENNA, Bill to amend the Law regulating the Municipal Franchise in Ireland, and to make better provision for the rating of occupiers in towns, *ordered* to be brought in by Sir JOSEPH M'KENNA, Mr. BUTT, and Mr. BRYAN.

Bill *presented*, and read the first time. [Bill 34.]

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL.

On Motion of Mr. CRAWFORD, Bill to amend "The Landlord and Tenant (Ireland) Act, 1870," *ordered* to be brought in by Mr. CRAWFORD, Mr. RICHARD SMYTH, Mr. THOMAS DICKSON, and Mr. MACARTNEY.

Bill *presented*, and read the first time. [Bill 35.]

CORONERS (IRELAND) BILL.

On Motion of Mr. VANCE, Bill to regulate the office of Coroner in Ireland, *ordered* to be brought in by Mr. VANCE, Sir JOHN GRAY, and Mr. DOWNING.

Bill *presented*, and read the first time. [Bill 36.]

ELECTION OF ALDERMEN (CUMULATIVE VOTE) BILL.

On Motion of Mr. HEYGATE, Bill to amend the Law relating to the Election of Aldermen in Municipal Boroughs by the application thereto of the Cumulative Vote, *ordered* to be brought in by Mr. HEYGATE, Mr. FAWCETT, Mr. MORLEY, and Mr. WHEELHOUSE.

Bill *presented*, and read the first time. [Bill 37.]

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

On Motion of Mr. BOORD, Bill to amend the Metropolis Local Management Acts, *ordered* to be brought in by Mr. BOORD, Sir CHARLES MILLS, Mr. COOPE, and Mr. GORDON.

Bill *presented*, and read the first time. [Bill 38.]

LABOURERS COTTAGES, &c. (SCOTLAND)
BILL.

On Motion of Mr. FORDYCE, Bill to facilitate the erection and improvement of Labourers Cottages and Farm Buildings in Scotland, ordered to be brought in by Mr. FORDYCE, Sir GEORGE BALFOUR, Mr. M'COMBIE, Mr. BARCLAY, and Mr. KINNAIRD.

Bill presented, and read the first time. [Bill 39.]

SALE OF COAL, &c. BILL.

On Motion of Mr. GOURLEY, Bill to amend the Law regulating the Sale of Coal, Culm, Cinders, and Coke, ordered to be brought in by Mr. GOURLEY, Mr. PALMER, Mr. DODDS, Sir HENRY HAVELOCK, and Mr. HAMMOND.

Bill presented, and read the first time. [Bill 40.]

House adjourned at a quarter
before Eleven o'clock.

HOUSE OF LORDS,

Tuesday, 9th February, 1875.

MINUTES.]—*Sat First in Parliament*—The Lord Sondes, after the death of his Father. The Lord Rossmore, after the death of his Father.

PUBLIC BILLS—*First Reading*—Supreme Court of Judicature Act (1873) Amendment (10); Land Titles and Transfer (11); Church Patronage* (12).

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL—(No. 10.)

(The Lord Chancellor.)

PRESENTED. FIRST READING.

THE LORD CHANCELLOR: My Lords, I have to ask your Lordships to give a first reading to a Bill to Amend the Judicature Act of 1873. The Bill which I am now about to lay on your Lordships' Table is so completely identical in its general proposals with the Bill I introduced last year, and which your Lordships passed through this House, that I shall not think it necessary to detain you by any general explanation of the features of a measure with which your Lordships are already well acquainted. I shall mention only this—that as the time drew near for bringing into operation the Act of 1873 some matters of detail were discovered with regard to that Act which required correction, and which it is proposed to amend by this Bill. These your Lordships will easily observe when the Bill

is in your hands, and it will be more convenient to defer the explanation of them until that time. But there is one change which I ought to mention, and it is this:—Those of your Lordships who attended to the framing of the Act of 1873 will probably remember that there was a Schedule to the Act containing some 60 Rules of Procedure, which were declared by the Act not to have the force of an Act of Parliament, but were to be Rules of Court, open to alteration or repeal, without the sanction of the Legislature, by the same authority which has the power to make Rules of Court now—namely, the Judges of the Court. And your Lordships will probably recollect that, in addition to those Rules, there was special power given in the body of the Act to Her Majesty in Council to make further Rules in regard to practice and procedure, before the statute came into operation. Those further Rules were to be made by the Sovereign in Council on the advice and responsibility of the Judges of the Court. In the course of last year this power of making Rules was acted on to this extent—that a body of Rules was drawn up with great care and attention under the direction of the Judges, and received their unanimous approbation. They were ready to be submitted to the Queen last year; but, in point of fact, they have not yet been submitted to Her Majesty. My Lords, it appears to me that it would be highly inconvenient if we had, in regard to procedure, one body of Rules on the Schedule of the Act of 1873 and another body of Rules not contained in that Act or in the Schedule of the Act, but outside the Act, in a code approved by the Judges and sanctioned by Her Majesty in Council. Obviously it would be more convenient, whatever the Rules may be, to have them all in one code, and not be under the necessity of passing for them at one time to the Act of Parliament, and at another to a collection outside the Act. I am bound to say that at the time of the passing of the Act of 1873 it would have been impossible to avoid this, because the Rules in the Schedule were the only ones then ready to be laid before Parliament. The other Rules did not come into existence till the autumn of last year. The course I propose to take is this—I propose in the Bill which I am now about to lay on the Table that the Rules to regulate procedure and

practice under the Act of 1873 shall all be contained in one code, and that this code shall derive its force from an Order in Council. This was what was contemplated in respect of the second set of Rules; but if your Lordships should pass this Bill the whole of the Rules will derive their authority in that way. They will all be in one instrument, and will all be subject, after the passing of the Act of Parliament, to alteration by the Judges like any other Rules of Court. I do not think it necessary, my Lords, to make any further explanation with regard to this Bill, and I shall, therefore, move now that it be read the first time.

Bill to amend and extend the Supreme Court of Judicature Act, 1873, *presented by The Lord Chancellor.*

LORD REDESDALE said, he took this occasion to express again a hope that their Lordships would not part with the Appellate Jurisdiction of their Lordships' House without taking the opinion of the Legal Profession in England. From what he had heard he believed firmly that the opinion of that Profession was in favour of the retention of the Appellate Jurisdiction of that House. The proposal for the transfer had come before their Lordships under very peculiar circumstances. It was introduced by the late and the present Lord Chancellor in turn, and those two noble Lords being joined in support of it commanded party and official votes on both sides of the House, and it was therefore supposed to have a more general approval in their Lordships' House than it really had. The impression also that the proposal commanded general support outside the House had for some time prevailed almost universally; but since last Session there had been a movement on the subject. There had been a movement among the English Bar, and a Committee, which included some very eminent members of the Profession, had been formed for the purpose of preserving the Appellate Jurisdiction of their Lordships' House. On that Committee he found the names of Mr. Watkin Williams and Mr. Waddy, both Queen's Counsel and Members of Parliament, and both advanced Liberals. He found on it the name of another Queen's Counsel, also a gentleman who formerly had a large practice in the Southern

States of America, and was now eminent at the English Bar. The transfer of the Appellate Jurisdiction from their Lordships' House had not been called for by any section of the public, and no Commission or Committee had reported in favour of such a measure. The opinion of the Profession in Ireland and Scotland had been expressed, and in both countries that opinion was against the transfer. Reasons which their Lordships could well understand might have prevented the Profession in England from giving an earlier expression of its opinion; but ought their Lordships' House to make so great a constitutional change, and one so much affecting the character of that House, without knowing what the feeling of the Profession in this country was? There was no reason why their Lordships should not have the opinion of the Judges on the subject. No great delay would be caused by obtaining the opinion of those best able to form an opinion on the question—namely, the Legal Profession, including the Judges.

LORD SELBORNE: My Lords, it was with great satisfaction I heard from my noble and learned Friend on the Woolsack, that the Bill which he has laid on your Lordships' Table is substantially the same Bill as passed through your Lordships' House last Session. The change regarding the Schedules of Rules I regard as merely formal; because I understand that the Rules in the Act of 1873 will remain substantially the same. I have no reason to complain, and I do not complain, that my noble Friend the Chairman of Committees should take on this occasion, as he did on that of every stage of the Act of 1873, and every stage of the Bill of last year, and on all other possible occasions, an opportunity of protesting against the transfer of the Appellate Jurisdiction of your Lordships' House; but I hope my noble Friend will excuse me if I do not follow him into the general question. I decline to do so—first, because the Bill for that transfer received your Lordships' sanction after many attempts—all ending in failure—to amend the Appellate Jurisdiction of this House, and render it efficient for the purposes of a tribunal of ultimate appeal. Difficulties had from time to time arisen, which demonstrated the impossibility of making such Amendments.

This was shown to your Lordships by the results of experience extending over more than half a century. These results were brought before your Lordships in detail, and those who may not wish to hear the details repeated, will find them among the pages in which what takes place in this House is permanently recorded. My second reason for not following my noble Friend in the general question is, that should it be necessary to do so before the passing of the Bill now before your Lordships, my noble Friend, no doubt, will afford me another opportunity. But coming to the particular suggestions of my noble Friend, I would ask, What are the Judges to be consulted about? Is it about amending an Act of Parliament passed two years ago, which, though its operation is in abeyance, is the law of the land, and by which you have agreed that in substitution for your Appellate Jurisdiction there shall be one Final Court of Appeal, which is to collect within itself all final Appellate Jurisdiction so far as England is concerned? Are the Judges to be consulted as to whether that Act is to be repealed—whether the new Court of Appeal is to be made nugatory for the purpose for which it was constituted?—whether by Act of Parliament your Lordships should cling to a jurisdiction which you do not now possess, or which you are in possession of only for a period of time which will elapse before the Act of 1873 comes into force? I venture to say that such a course would be one wholly without precedent in either ancient or modern times. If my noble Friend does not mean that, does he mean that the English Judges ought to be consulted as to whether the Act should be extended to the Scotch and Irish Appeals? If Judges are to be consulted on that point, they ought to be the Scotch and Irish Judges; but it appears to me that no precedent could be found for that course either, and I cannot but express my surprise that so staunch an advocate of the privileges of this House as my noble Friend should propose that this House, in dealing with its own jurisdiction, should go outside itself and ask the opinion of another body. I hope your Lordships' House will take no such course. I do not think you will, but it may be some comfort to your Lordships to be reminded of facts

Lord Selborne

to show how unnecessary and unprofitable such a course as my noble Friend proposes would be in this instance, even if it were otherwise an unobjectionable one. Two years before the Judicature Act of 1873 was laid on the Table of the House, the most eminent—if one may make a distinction between such eminent persons—certainly the most eminent in station of the Judges of England, stated as the result of his careful consideration of the subject, and of his criticism of proposals at that time before the House, that the time had come when your Lordships would best consult your own dignity by surrendering your shadowy jurisdiction as a Court of Final Appeal, which stood in the way of putting the Appellate Jurisdiction of the country on a stronger and more satisfactory footing. That was the opinion of the Lord Chief Justice of England; but the case did not rest on the opinion of even that most eminent person. The question had been before the Judges, the Legal Profession, and the country at large for two years; but at the same time that I placed it on the Table of your Lordships' House, I thought it my duty to communicate it to every Judge sitting on the Bench in this country, and not from one of them did I hear any disapproval of the proposal for the transfer of the jurisdiction of your Lordships' House. When I say not from one of them, I believe that to be the literal truth; but certainly it is the substantial truth that not one of them expressed disapproval of that proposition, while by some of them, at least, concurrence was expressed in the opinion stated by the Lord Chief Justice. With regard to the Bar of England, your Lordships' memories cannot be so short as that you can suppose the Bill passed without its having been considered by the Bar of England. Circumstances obliged me to delay some of the stages in the Bill to a length that brought some censure on Her Majesty's Government—because it was supposed that the Bill was being endangered by the delay—and therefore a full opportunity was given to the Profession for a careful consideration of all its provisions. Now, among other difficulties which I had to encounter—and no one can deal with such subjects without encountering great difficulties—was one arising from objections on the part

of members of the Profession for whom I have a great respect to the fusion of Law and Equity; but not from any one of them did I receive any complaint as to the proposed transfer of the Appellate Jurisdiction of your Lordships' House. Your Lordships assented to that proposal not only after full opportunity of knowing the opinion of the Judges and the Profession, but after all possible opinions had been taken. Are your Lordships now to be told that you ought to pause and take the opinion of the Judges and the opinion of the Profession before you pass a measure which is merely complementary of the Act to which you have given your assent?

LORD REDESDALE: It is quite a different thing.

LORD SELBORNE: The Bill now before your Lordships contains no provision to alter substantially the Act of 1873.

LORD REDESDALE: Hear, hear!

LORD SELBORNE: My noble Friend agrees with me.

LORD REDESDALE: No, no!

LORD SELBORNE: Well, I think my noble and learned Friend on the Woolsack will agree with me that this Bill only makes an amendment which is complementary of the Act. But you are to pause because there is a movement going on, and because a committee has been formed having as two of its members two eminent and able Members of the Profession and of the other House of Parliament, Mr. Watkin Williams and Mr. Waddy, and as another of its members another learned gentleman, Mr. Benjamin, who occupied a high official position under Mr. Jefferson Davis, and now occupies a high position at the English Bar? Is that a reason why this House should go outside its own walls for light to govern its own wisdom? Such a proposition is not one that I should have expected to hear from my noble Friend.

LORD REDESDALE: There is a difference as to appeals. This Bill gives a second appeal.

LORD SELBORNE: My noble Friend denies that the Bill is merely complementary of the Act of 1873 because the Bill gives a second appeal; but the Act of 1873 gives a second hearing. The difference between its provisions relating to a second hearing and those in this Bill regards the composition of the

Court and a definition of the cases in which there is to be a second hearing. However, that is not the question now. If it should be gravely argued that this is not a complementary Bill, but one substantially different from the Act of 1873, I am perfectly willing to deal with that argument; but for the present I hope your Lordships will refuse to listen to the proposal of my noble Friend the Chairman of Committees.

LORD HATHERLEY: My Lords, this is not the moment to discuss the repeal of a most important clause in a most important Act of Parliament; but as to the suggestion made by the noble Lord the Chairman of Committees that we should consult the Judges, I would remind your Lordships that when, three years ago, my noble Friend was taking a part—a very useful part—in a Committee which was considering the question of the Court of Ultimate Appeal, he had an opportunity of bringing forward his proposal to consult the Judges. He did not do so. But if your Lordships had consulted them at that epoch, they would have been found to be in favour of the transfer, whatever may be their views now—and I am not acquainted with them. It is quite true that the Committee finally made a recommendation of a different kind from that embodied in the Act of 1873, and, under the guidance of my noble and learned Friend on the Woolsack, proposed an arrangement similar to that of the Judicial Committee of the Privy Council. But after all that, with the advantage of a full inquiry by the Select Committee, and with the recommendation of that Committee before you, your Lordships deliberately sanctioned a Bill for the transfer of your Appellate Jurisdiction, which received the approval of the other House in the presence of numerous lawyers, including Mr. Watkin Williams, who had a seat in the House of Commons at that time, though I do not know that Mr. Waddy had. As regards the Bill before your Lordships, I entirely concur in the proposal as to the Schedule. When I brought in my Bill as Lord Chancellor, I was of opinion that such an arrangement would be the better one; but a contrary view then prevailed. I cannot but be glad at the change.

Bill read 1st; to be *printed*; and to be read 2^d on *Tuesday*, the 23rd instant.

LAND TITLES AND TRANSFER BILL.

(The Lord Chancellor.)

PRESENTED. FIRST READING.

THE LORD CHANCELLOR: My Lords, I have now to ask your Lordships to give a first reading to another Bill which also, to a great extent, is one proceeding on the same principle as a Bill of last year passed by your Lordships' House, but stopped in its progress through the House of Commons—a Bill to simplify titles and facilitate the Transfer of Land in England. I say it is, to a great extent, the same; because when your Lordships have the Bill in your hands, you will find that the arrangements of the Bill of last year have been considerably altered; and that as regards the drawing, that Bill has been abbreviated and its enactments have been greatly simplified. But there is one point of difference between this Bill and that of last year, which I think I ought to at once notice and explain. The first Bill by which it was proposed to register title to land, which I had the honour to introduce in the other House of Parliament in 1859, did not propose to make registration compulsory in every case. It was voluntary, and left to the option of those who might think their title would be improved if registered. The Bill introduced two years ago by my noble and learned Friend who preceded me on the Woolsack (Lord Selborne) proceeded on a different footing as regards compulsion. It did not make registration compulsory in the case of an estate not changing hands, but provided that wherever, after the lapse of a certain time—I think two years—the estate was bought and sold, the title must be placed on the register. It further provided that if it were not so placed, the buying and selling would only be regarded in the light of a contract to buy and sell, but would not pass what lawyers call “the legal estate” of the land. When I introduced the Bill of last Session I followed the course marked out by my noble and learned Friend, but I extended the term within which the obligation was not to come in force from two years to three. As the Bill was in its progress through Parliament last year I had communications on the subject from all parts of the country; and on going into details I acquired a great

deal of information of which I confess I had not been previously in possession. I will tell your Lordships what surprised me very much. In one particular neighbourhood—that of Birmingham, I think—there are in the course of the year a great many hundreds—I think I may say thousands—of cases of buying and selling pieces—or rather “parcels”—of land. Your Lordships would be astonished to hear how small are some of those transactions—how minute the portion of property, and how comparatively inconsiderable the amount of purchase-money. There are parts of England in which a great deal is done in buying pieces of land just large enough to build a cottage on. It was made clear to me that these sales are not conducted in the way in which people make out a title to land—no title is attempted to be made out—they are transacted entirely on the faith of the solicitor, who has been conducting business in the particular neighbourhood for a long time, and is supposed to know it thoroughly. He draws up the deed on perhaps a sheet of paper, and besides the stamp, the purchaser has to pay but a very small sum in the way of law costs. I have heard of cases in which these latter charges are so small as 20s. or 30s. Now, it is clear that it matters not how cheap we make the cost of registration—if a title is to be put on the register, there must be some investigation of title, however small; and it would be impossible in a system of registry to compete with the small expense on which these minute transactions are now conducted. Therefore, before the Bill of last year left your Lordships' House, I proposed to exempt from the operation of the compulsory clause all cases in which the purchase-money did not reach a certain amount. I think £300 was the sum I named—but I was obliged to arrive at any conclusions in a rough form. Since last year I have given the subject much consideration, and I have arrived at the conclusion that it must appear somewhat anomalous to introduce a compulsory registry and then draw a line between a purchase of greater and one of lesser magnitude. It is extremely difficult to fix the point at which the line should be drawn. And there are some further considerations which have to be borne in view. I thought it necessary to ask the question—What,

after all, is gained by a compulsory registration of this kind? Your Lordships will observe that the compulsory registration proposed was not one of all estates, but merely of those which were the subject of bargain and sale. This would at once except from this clause of compulsion the great bulk of the landed property of this country; because we knew that the great proportion of the land never changes hands at all, and never becomes the subject of bargain and sale. Therefore, the course proposed would not effect the object we have mainly in view, which is, to have all the land of the country on the register. Then, again, even when dealing with those portions of the land which are the subject of bargain and sale, there must be exceptions, whether you fix the minimum at £300, £200, or £100. But there would remain still these sales of a class over those small limits; and in these, however stringent you might make your compulsory clause, the ingenuity of conveyancers would be able to defeat it. It is impossible—if persons are unwilling to register—to compel them to do so. Already, means have been suggested by which anyone who did not wish to come under the compulsory clause might escape it. It is necessary, therefore, to go somewhat further. Moreover, my Lords, there appears to me to be a further difficulty in making a measure of this kind compulsory at the outset. If you do so, it appears to me you cannot stop short of establishing all over the country district registries; because, obviously, it would be a great hardship for persons living in remote parts of the country, and who were anxious and willing to conduct a sale without coming to London, to have to come to London for the purpose of placing on the register the title of the land which is proposed to be sold. Of course, that difficulty could be obviated by establishing district registries; but then to establish registries all over the country would be a measure of fresh expense, and one in which we should hardly be justified without experience as to the desire of buyers to avail themselves of the register. These considerations, my Lords, have led me to think that the proper way is to proceed in the hope that the registration will commend itself to the owners of land as making the land more negotiable, and therefore

more valuable. If that commends itself to the extent of making owners go to the register in that way, just as it is acted upon throughout the country, we shall be able to decide as to the places in which it will be necessary to establish district registries; and we need not incur expense in this way until it is required. For these reasons, my Lords, there is not in this Bill the clause of the Bill of last year which made registration compulsory. There will be no obligation on those who are buying and selling to register the land, the subject of the bargain and sale. With these observations, I beg to move the first reading.

Bill to simplify Titles and to facilitate the Transfer of Land *presented* by The Lord Chancellor; read 1^a; to be *printed*; and to be read 2^a on *Thursday* the 23rd *instant*.

CHURCH PATRONAGE BILL [H.L.]

A Bill to amend the Laws relating to Patronage, Simony, and Exchange of Benefices in the Church of England—Was *presented* by The Lord Bishop of PETERBOROUGH; read 1^a. (No. 12.)

House adjourned at a quarter past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 9th February, 1875.

MINUTES.]—NEW WRIT ISSUED—*For Tipperary, v. Hon. Charles William White, Chiltern Hundreds.*

NEW MEMBER SWORN—Edward Gibson, esquire, *for* The College of the Holy Trinity, Dublin.

SELECT COMMITTEE—Kitchen and Refreshment Rooms (House of Commons), *appointed and nominated*; Printing, *appointed and nominated*; Public Petitions, *appointed and nominated*.

PUBLIC BILLS — *Ordered — First Reading —* Tribunals of Commerce* [42]; Infanticide* [43]; Marriage with a Deceased Wife's Sister* [44]; Offences against the Person* [45]; Legal Practitioners* [46]; Glebe Lands, Corporate Bodies (Ireland)* [47]; Epping Forest* [52]; Poor Law Guardians (Ireland)* [48]; Parliamentary Elections (Validity of Votes)* [49]; Open Spaces Metropolis* [50]; County Boards (Ireland)* [51].

ASH WEDNESDAY.

MOTION FOR ADJOURNMENT.

Mr. DISRAELI: As I observe that there is no Business on the Paper for to-morrow, I beg to move that this House, at its rising, do adjourn till Thursday.

Motion agreed to.

FIRES IN THE METROPOLIS —
HYDRANTS.—QUESTION.

Mr. FRESHFIELD asked the Chairman of the Metropolitan Board of Works, Whether his attention has been directed to the danger and inconvenience resulting in the case of fire from the want of hydrants in the thoroughfares of the Metropolis?

SIR JAMES HOGG, in reply, said, the attention of the Metropolitan Board had been directed to the question of providing hydrants for assisting in the extinction of fires in the metropolis. This matter was one which required very careful consideration, and it was now being investigated by one of the Board's Committees.

THE NEW LAW COURTS — SUPREME
COURT OF APPEAL.—QUESTION.

Mr. FRESHFIELD asked the First Commissioner of Works, Whether a site has been provided in the buildings in course of erection for Consolidation of the Law Courts for the Supreme Court of Appeal; and, if not, whether any and what arrangement has been made for its accommodation?

LORD HENRY LENNOX: Mr. Street's plans for the new Courts of Justice having been approved before there was any idea of making a change in the Judicature, no special apartment for the Supreme Court of Appeal has, by that name, been included in the new buildings; but, by the courtesy of the Society of Lincoln's Inn, their old dining-hall has been made over to the Government. It has been suitably fitted by the Office of Works, and restored to its previous dimensions, and is now, I am informed, admirably adapted to be the First Court of Appeal.

HIGHWAYS—LEGISLATION.

QUESTION.

SIR GEORGE JENKINSON asked the President of the Local Government Board, Whether the statement, as reported, made by the secretary of his department, the honourable Member for South Norfolk, viz. that,—

“As far as he was concerned, he had heard nothing whatever of the intention of the Government to bring in any Bill this year upon the question of highways, and therefore they would, he supposed, drift on in the present unsatisfactory state for a little time longer;”—

and whether that statement accurately represents the intention of Her Majesty's Government, or whether they intend, during the present Session, to bring in any general measure of legislation to deal with the question of the future management and maintenance of roads, and especially with a view of relieving the ratepayers of various parishes?

Mr. SCLATER-BOOTH: No one can be surprised that my hon. Friend should have taken the earliest opportunity of asking this Question. In reply to it, I fear that it will not be practicable, having regard to the pressure of existing engagements, to introduce within the present Session a comprehensive measure on the subject of highways, dealing with all the important matters which incidentally mix themselves up with it.

SIR GEORGE JENKINSON gave Notice that, under these circumstances, he would take an early opportunity of bringing forward a Motion on the subject.

FOREIGN OFFICE—DEFECTIVE LIFTS.

QUESTION.

SIR HENRY WOLFF asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Government has been called to the proceedings of an inquest held on the body of Charles Coxhead, whose death, on the 2nd of December, 1874, was caused by the defective arrangements of the lift at the Foreign Office; whether any accident, though not of a fatal character, had previously occurred from the same cause; and, whether, during the two months that have elapsed since the death of Charles Coxhead, any alteration has been made in the lift or the

arrangements connected with it, in compliance with the recommendations of the coroner to prevent the recurrence of similar calamities?

MR. BOURKE: The attention of Her Majesty's Government has been called to the melancholy accident which occurred on the 2nd of December. I am informed that an accident of a far less serious character occurred in connection with the lifts some time ago. I am not aware of any other casualty having happened. Since the death of Coxhead alterations have been made in the arrangements connected with the lifts, and the Foreign Office is still in communication with the Office of Works with a view of making those arrangements entirely secure.

METROPOLIS—EXPLOSION IN THE REGENT'S PARK.—QUESTION.

SIR THOMAS CHAMBERS asked the First Commissioner of Works, What steps are being taken to restore the bridge in the Regent's Park destroyed by the explosion on the Regent's Canal in October last, great public inconvenience being occasioned by the stoppage of the road into the park at that spot?

LORD HENRY LENNOX: Owing to the uncertainty that has prevailed as to who is responsible for the cost of rebuilding the bridge, no steps have yet been taken in that direction. But, being very sensible of the great inconvenience arising to the public from the present state of matters, I will undertake personally that there shall be no further delay in the restoration of the bridge than is absolutely necessary.

NATIONAL SCHOOLS (IRELAND)— SCHOOLMASTERS.—QUESTION.

MR. SHEIL asked the Chief Secretary for Ireland, Whether Her Majesty's Government proposes to introduce any measure during the present Session, with the view of improving the position of the National Schoolmasters in Ireland?

SIR MICHAEL HICKS-BEACH, in reply, said, that the question was still under the consideration of the Government, and that he hoped to be able to take an early opportunity of proposing some change.

VOL. CXXII. [THIRD SERIES.]

STROUD WRIT—RESOLUTION.

MR. CHARLES LEWIS, in rising to move—

"That no new Writ be issued for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry R. Brand, esquire, whose Election has been declared void,"

said, he should venture to ask the sanction of the House to that Resolution, in the first place upon the ground that what was now proposed to be done was only the exercise of the fitting discretion which the House undoubtedly possessed; and, in the second place, on the ground that by passing such Resolution the House would be doing a merciful act to the much-distressed borough of Stroud itself. It would be his duty to establish the first position in order to justify the interference of the House with the *primâ facie* constitutional right of the borough, and with that object he would direct attention to the electoral history of that borough during the last 12 months. From an electoral point of view the history of the borough of Stroud had, he ventured to say, been wholly unprecedented. It was only necessary to go back to the election antecedent to the General Election of last year, and to trace the electoral history of the place downwards, in order to find the following prominent facts:—There were four elections in the space of seven months. Every election was petitioned against upon the ground of corrupt practices. All the Petitions were tried save the one that was set aside by the sudden occurrence of the Dissolution on the 24th of January, 1874. Owing to that event, the Petition against the return made in the earlier part of that month could not lawfully be heard. All the three elections which had occurred since the Dissolution, including the one immediately consequent upon it, had been the subject of judicial inquiry—the first on Petition against the two Members who were returned, the second on two separate Petitions against the two Members returned, and the last on a Petition against the Member elected in lieu of the one who was turned out. It must be a matter of satisfaction for the House to know that, in the result of those inquiries, however much they might have reflected on the electoral character of

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the borough and its constituency, no stain rested on any one of the four Gentlemen who had been evicted from the seats to which they had been elected, and that they had been all free from any participation in the practices of which their agents and supporters had been found guilty. In the result we had this state of facts, that the election which took place in the borough in February at the General Election was wholly set aside; that the election which took place in May to fill up the vacancies caused by the eviction of the two Members who were returned at the General Election was partially set aside, one Member holding and one losing his seat; that the election in July of a Member to supply the place of the one previously unseated also resulted in that Member losing his seat. Every one of those inquiries turned on the question whether corrupt practices sufficient to invalidate the election had existed. The inquiries into the elections of February and May were not carried to their legitimate conclusion, but were stopped by the person petitioned against surrendering his seat under the strain of the evidence already adduced. It was important to recollect that circumstance as part of the strong evidence of the existence of corrupt bodies of men forming a large portion of the constituency of Stroud. It was important also to look at the nature of the Reports of the Judges on each of the three occasions in question. The election in January, 1874, was upset on the ground of corrupt practices; and Baron Bramwell in his Report stated that the inquiry was intercepted not only by the surrender of the seats, but also by the absconding of persons from the neighbourhood, whom the Judge believed to be important and necessary witnesses for the due investigation of the whole case. The same most experienced Judge—in accordance with the terms of the Act of Parliament under which a Commission of Inquiry should be sent down to the borough—said in his Report—"I further report that corrupt practices have extensively prevailed at the election to which the Petition relates." He would ask how came that Report of the Judge to be passed by without any action in the nature of appointing a Commission being taken? A point of law was debated whether, as the corrupt practices in question con-

sisted of treating, it was possible under the terms of the Act to have a Commission; and although some eminent lawyers in that House thought it was not, others took a different view, and he ventured to think the question was one that required consideration. Baron Bramwell, who tried the second Petition, as he did the first, in his second Report significantly referred to his former Report, and stated that he abided by it, but said he had no reason to believe that corrupt practices extensively prevailed at the election in May. Only one of the two Members returned in May was unseated. He was unseated on the ground of bribery; and the seat was only defended for a very short time. In the concluding part of his Report the Judge said there was evidence of bribery by others, but that the respondent withdrew from his defence of the seat, and certain persons not having been called, he could not report that bribery had been proved against them. In consequence of that, no action was taken to suspend the writ, and in July last a new election was held, which was also petitioned against. Baron Pigott tried that Petition, and made a most elaborate Report, which was laid on the Table of the House, in which, in the first place, 13 persons were reported by name as bribed by five other persons, and also by some persons whose names were unknown. In addition to that, there were several cases of out-voters who said they had been canvassed by strangers, of whom the agents of the sitting Member denied all knowledge, and had received excessive fares for travelling. It was stated further that that mode of bribing out-voters was carried on by the introduction of two persons from a neighbouring west-country borough, not undistinguished in the annals of Parliamentary Election Petitions; that by a person named, who was engaged in canvassing, four voters were proved to have been bribed, the bribes varying from 2s. 6d. to £2. All knowledge of that person also was denied by the agents. The Election Judge devoted four paragraphs, at the conclusion of his Report, to a most suggestive matter—the various methods in which funds were got up for disposal in ways that would not bear inquiry. Accordingly, they had a statement as to what was called a Decoration Fund,

M^r. Charles Lewis

which was raised between February and July, to meet a claim of £1,200 for decorations at the February Election—a fund which, by a most remarkable idiosyncrasy, appeared to have been raised after the election to which it applied. Baron Pigott said that that fund was stated to have been subscribed to pay for a large number of flags and banners at the February Election, when the borough was spoken of as having “gone mad,” but that it was not shown how it had been expended; that some accounts had been produced, and some receipts, but he was not able to say whether a portion of it was applied to the purposes of the July Election; but there was enough to show that it had not been altogether applied to the purposes for which it was subscribed, or expended in ways that were wholly free from suspicion. But the peculiarity of the learned Judge’s Report did not end there. It appeared that in that remarkable election, the agents of the sitting Members went through the double process of importing bribers at the time of the election, and of exporting bribers at the time of the Petition. The learned Judge spoke of persons who were imported for the purpose of bribing, and of persons who were exported at the time of the Petition, in order that they might not give inconvenient evidence. The persons imported were proved to be James Yard Coles and John Bishop Daniels. Amongst other cases were those of very remarkable gentlemen. One of them rejoiced in the name of Heaven, and he (Mr. C. Lewis) supposed had been removed to Hades, to be out of the way. He, at all events, absconded early in November, just as the Petition was coming on, in order to prevent those disclosures which he might have made in his evidence. But the exportation did not end there, for it appeared according to the Report, that there was a very inconvenient witness, for whose future comfort it was thought necessary that he should change the locality of his residence. He referred to a Mr. Joseph Workman, who, it seemed, it was deemed desirable to induce to go from Birmingham to Liverpool, and thence to emigrate with his family to America, the Judge reporting that John Bishop Daniels and Joseph Daniels, who came from Taunton to do any work that there was for them, were engaged in sending

them away. The Judge, in the last paragraph of his Report, said—

“I have no reason to believe that corrupt practices have extensively prevailed at the election to which the Petition relates;”

but with the greatest possible respect for the distinguished person by whom the Report was signed, he would venture to remark that if the word “no” had been left out, there would certainly have been more consistency between the preamble, the premises, and the result. Such, then, was the history of the borough of Stroud between the months of January and July, 1874, and he thought the House would admit that it was a history of corruption of every form and kind, from the lowest and most insignificant up to the worst and most flagrant; for he believed that the sitting Members at the February Election lost their seats chiefly because of some breakfast which was given by innocent Nonconformist ministers, who had asked a few of their supporters to partake of tea and toast previous to going to the poll in the morning. But the electors having been treated leniently by the Judges, grew more daring in their delinquencies. It was proved that on the occasion of the election in May, the millowners, who had for years been working their mills on the polling-day, were suddenly affected with the most kindly consideration for their hands, so that they reversed the system of Pharaoh’s tale of bricks without straw, and not only dismissed their men from the mill for the day of the election, but also paid their wages for the day; while in July, the amount of corrupt talent in Stroud not being found sufficient, strangers were imported, and extravagant travelling expenses paid, while inconvenient witnesses were got out of the way, no matter at what cost. Now, all that showed, in his opinion, that the borough was radically bad, as far as electoral corruption was concerned. He would now pass from that point, and endeavour to show that the House of Commons could exercise its discretion in the matter, and, if it should think proper, suspend the writ for a fresh election. He would so far modify his Resolution as to make the suspension general, without binding the House with respect to any future Session of Parliament. Dealing with the question in that light, it might be convenient to consider how matters

stood previous to the passing of the Act of 1854, enabling both Houses of Parliament to join in praying for the issue of a Commission of Inquiry in cases of electoral corruption. Previous to that time the House had claimed a general discretion to suspend a writ. In the case, for example, of the borough of Stafford there was a vacancy in May, 1835, occasioned by the acceptance by the sitting Member of the Chiltern Hundreds, and the strength of that case lay in the fact, that it was not by reason of any corruption which had been proved as having occurred in the existing, but in the previous Parliament, between 1832 and 1834, that the House in the exercise of its discretion absolutely suspended the issue of a writ from the 18th of May, 1835, to the 13th of February, 1837. But it might be said that by reason of the passing of the Act enabling the House to punish a delinquent borough by means of a Commission of Inquiry a totally new state of things had been introduced. In the case of Wakefield, however, a Commission was issued in 1859, which reported in 1860 that the corruption which prevailed was not such as justified them in advising that the borough should be disfranchised; but the House nevertheless refused to issue a new writ for two years after, and it was not, in fact, issued until February 1862; and if, as a matter of principle, the House had the power of suspending the issue of a writ for a week there was no good reason why it should not suspend it for any longer period. It was only yesterday that the House passed a Resolution, that in no case where a Member was unseated for bribery should the writ be moved for until after two days' notice, and why such a Resolution, if the House had no such discretion? The House, he might add, had constantly exercised the power to suspend the issue of a writ, even in cases in which it had no authority under an Act of Parliament to appoint a Commission of Inquiry. That being so, he ventured to say that if it lay within the discretion of the House to refuse to issue a new writ for Stroud, it would be an act of mercy to the borough itself to take that course. He had already referred to the Report which stated that in February last the borough went mad, and he was very much inclined to think that it had since had no lucid interval—at all events,

not a sufficiently long one to restore it to its pristine purity. He had a letter—he was not at liberty to mention the writer's name—but it came from a gentleman of high position in the borough of Stroud, and he described its present moral and social condition. He stated that within the last year or so it was the scene of four fiercely contested elections; that during that time four Petitions had been presented, and four Members of Parliament unseated, a sum of not less than £60,000 having been expended in connection with those proceedings. At the present moment, he went on to say, society in Stroud was divided into two parties, the Blue and the Yellow, between whom there ceased to be the usual interchange of visits, while great bitterness of feeling prevailed, and that both parties were ready again to spring at each other in the event of a writ being granted. "In this state of things," he added, "if you can compel us to take a few years' rest, you will help the community greatly." One could hardly conceive the amount of heart-burning, bitterness, moral degradation, and political corruption to which the borough had been subjected in consequence of the leniency of the House in not suspending the writ last year. He had heard it suggested somewhere—whether in the House or out of it he could not tell—that the House should now open the door to a new election in Stroud, in the hope that not only common sense should prevail among the constituency, but that a compromise might be effected whereby a certain distinguished statesman, who would be an ornament to the House and acceptable to both sides of it, might be induced to put his pure feet within the precincts of the corrupt borough, and be returned by the universal esteem of both parties. If that distinguished statesman's name was what he had heard, he could say that, so far as one party in the borough was concerned, the statement was wholly unfounded and a pure fabrication. He ventured to doubt whether any Member of the House would say that the possibility of such a compromise would be either a sufficient or laudable ground for passing over such an amount of electoral corruption as had been proved to exist in Stroud, and he thought the House would only be doing its duty if it discountenanced the suggestion that something should be done

Mr. Charles Lewis

different from what justice demanded and what precedent justified with respect to the postponement of the writ. Not only as regarded the moral and political condition of the borough, but even as regarded its social arrangements, the best thing that could be done would be to prevent the occurrence of another election. He hoped the House would acquit him of having placed the matter before it in any strained or overcharged manner. In bringing forward the Motion he had acted with entire independence, and with the simple object that the House should apply the practical remedy for corrupt practices which the case of Stroud seemed to demand. The hon. and learned Gentleman concluded by moving his Resolution.

MR. R. YORKE seconded the Motion. He felt that it would be necessary to say very few words after the speech of the hon. and learned Member who had just sat down. There was no doubt that the whole of the legal proceedings with regard to corrupt practices were somewhat difficult to master. When the question of the Stroud election had been before the House in last April, it was the general opinion that a Commission should issue as a matter of course, and no one appeared aware at the time until the difficulty was started, he believed on the Opposition Bench, that when treating only had prevailed a Commission could not issue as a matter of course. He remembered being one of the Select Committee on the borough of Galway in 1866, when it was reported that corrupt practices extensively prevailed, and upon that occasion he waited some time, expecting that a Commission would be moved for, but no action was taken on the part of the Government, whom he had expected would move, and he asked the Chairman of the Committee if he intended to move, and he replied in the negative. He should very much prefer that a duty so important as that of moving for a Commission to inquire into the prevalence of corrupt practices at elections should always be undertaken by the Government of the day, and that it should not be thrown down, as it were, on the floor of the House to be taken up as the convenience or caprice of private Members dictated. After the time of the General Election of last year it appeared that there was not much reason for proceeding harshly against Stroud ;

but he now regretted that the writ was not then suspended. A few breakfasts appeared to have been given by Dissenting ministers ; but very little else appeared then to have been proved against the borough. But they had not profited by the lesson they had then received. A large sum had been spent in legal expenses, and there had been two elections and two Petitions. He thought the constituency had been somewhat harshly judged ; but as a friend to Stroud, he had no doubt that at the present time the best course open to them was to suspend the writ indefinitely. He said "indefinitely," because he understood it would be impossible to limit the action of Parliament in a future Session ; and, of course, it would be competent for any Member at a future time to move that the writ should be issued. The amount of demoralization which had been revealed in Stroud, and which, apparently, arose from a determination by the different parties that the borough should be disfranchised rather than that their opponents should win, was such that it was impossible to live in quietness among the constituency. Unless the House arrested this state of things, the result after one or two more elections would probably be the disfranchisement of the borough. It was because he believed Stroud to be not yet thoroughly demoralized that he came forward to ask that the House should suspend the writ. At the same time, he did not quite go to the extent of the statements made by his hon. and learned Friend (Mr. C. Lewis), and he believed that if the borough had time to reflect good sense would assert itself, and they would not have the spectacle of two more gentlemen going down there through a period of trial, excitement, and enormous expense which should result once more in a Petition.

Motion made, and Question proposed,

"That no new Writ be issued for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry R. Brand, esquire, whose Election has been declared void."—(Mr. Charles Lewis.)

SIR WILLIAM HARCOURT said, it was a fortunate thing that the House could discuss this very important question without any party predilection. Stroud had of late been so impartial in the alternation of its political views and

the distribution of its political favours, that it inspired neither sanguine hope nor gloomy despondency as to what its political opinions might be in the future. Therefore, they might calmly discuss the question of issuing the writ of election; but in so doing it must be remembered that the House was dealing with one of the highest of properties by the light of Parliamentary principle and precedent. It seemed to him that there were very grave objections to the Motion of the hon. and learned Member for Londonderry (Mr. C. Lewis). The hon. and learned Member had altered his Motion twice, if not three times. First he proposed that the issuing of the writ should be suspended for the present Session, not for the purpose of taking any action, not for inquiry, not for disfranchisement, but simply as a form of temporary punishment, just as a refractory child was put for a time into a corner or a rollicking undergraduate was rusticated for a term. This might, perhaps, be a proper method of dealing with an adult constituency; but he could only say that it had not, up to the present, been the rule or the practice of Parliament. The Motion of the hon. and learned Member was, in his view, entirely irregular. It, as originally drawn, proposed to bind future Sessions, and, if passed in that form, would have left it open to any hon. Member at any future time to bring forward a Motion for the issue of the writ. As it at present stood, the proposition of the hon. and learned Member would apply only to this Session, but for that period was to be clear and definite, the writ to issue afterwards, if in the meantime Stroud had become good again, and could safely be taken out of the corner. But who was to vouch for this? Was the House to judge of Stroud by the light of anonymous letters written by gentlemen whose names could not be given to the House? How, again, was the House in future Sessions to judge whether or no the writ should issue? The House had no judicial information on the question, and the hon. and learned Member for Londonderry had not proposed that, by means of a Commission or otherwise, the necessary information should be obtained. Was the House to be guided by paragraphs in newspapers or this kind of street gossip which, to his surprise, the hon. and learned Member had introduced into the debate?

Sir William Harcourt

It was below the dignity of the House to take cognizance of paragraphs in newspapers, or to be governed by opinions contained in letters whose authors' names could not be mentioned in the House. The hon. and learned Member had asked the House to create a new precedent in Parliamentary practice. This was not a light thing; for the practice of Parliament was the law of Parliament—a law which affected the rights of the whole country, and particularly the rights of constituents. The course suggested could not be followed, therefore, except for far graver reasons than the light and shadowy ones in which the hon. and learned Member so largely dealt. A great part of the Constitution of this country depended upon precedents of this kind, and the stability of our political system rested upon the existence of fixed rules of practice in matters like the one under discussion. The House was not to be guided by a sentimental desire to perform merciful acts for the benefit of much distressed constituencies, or to consult social arrangements and family comforts such as were described by the writer of the anonymous letter which had been read. The practice of Parliament was clear in relation to the subject-matter of the Motion, and was, he ventured to say, precisely the opposite to that which the hon. and learned Member had laid down. There was one authority in this House which they all well respected, who had stated with the greatest accuracy what was the practice in the issue of writs for Parliamentary election. Sir Erskine May, in his work on the *Law and Usage of Parliament*, stated that—

“When general and notorious bribery and corruption have been proved to prevail in Parliamentary boroughs, the House have frequently suspended the issue of writs, with a view to further inquiry, and the ultimate disfranchisement of the corrupt constituency, by Act of Parliament.”

He would not venture upon his own authority to attempt the difficult task of proving a negative; but he was fortified by the authority he had just quoted when he said that, with the exception of the case to which reference had been made by the hon. and learned Member for Londonderry, no writ had ever been suspended except for the purpose of some ulterior action either by the issuing of a Commission or a proposal for disfran-

chisement. The case of Stafford, to which reference had been made, so far from being an exception to the rule, was a strong exemplification of it. On the 6th of August, 1833, Sir Thomas Freemantle, as Chairman of the Committee which inquired into the circumstances attending the Stafford election, reported the resolution of the Committee, which was in effect that the evidence established such a case of general and systematic bribery and corruption as rendered it expedient that the borough should cease to return Members to Parliament. Thereupon a Bill for disfranchisement was introduced.

MR. CHARLES LEWIS said, the suspension he referred to in the case of Stafford occurred not in 1833, but in 1835.

SIR WILLIAM HARCOURT said, he had before him all the records relating to Stafford, and they went on to the Session of 1836, when the disfranchising Bill was introduced. It was not necessary to detain the House with precedents when the rule was clear; but he might mention that from the year 1775—as described by *Rowe on Elections*—down to the present time the recorded and continuous precedents were all in support of his view, that the issuing of writs had only been suspended pending subsequent and decisive proceedings. This view had been from time to time enunciated and maintained by no less eminent authorities than Mr. Goulburn, the late Sir Robert Peel, and Mr. Williams Wynn. The last-named gentleman, referring to the exceptional case already alluded to, said “the precedent was one not to be followed, but to be studiously avoided”—[3 *Hansard*, lxi. 608]—and the eminent authorities who took part in the debate were agreed that the suspension of the issue of writs could only be justified by an intention to proceed further in the direction of inquiry or disfranchisement. In the same debate Sir Robert Peel said—

“He really thought that if Gentlemen were permitted to take their own views, in cases of this kind, without knowing about the constituency in question, it was impossible to say what might be the result.”

The right hon. Gentleman also said—

“That the House ought to be careful how it interfered with the rights of the constituencies to have Representatives in that House . . . that it would be a dangerous precedent for the House

to interfere with the rights of the constituencies, and that, if they once began to exercise that power, there was no assignable limit to the abuse of it.”—[3 *Hansard*, lxi. 869.]

The hon. and learned Member for Londonderry said the issue of a writ might be suspended for a week or a month by a Resolution of the House. If that was so, then the House by a Resolution might suspend the issue of a writ for ever, and thus disfranchise a place. The power of suspending the issuing of a writ ought not to be exercised except for grave considerations, and after full reflection as to the consequences of the precedent that might be established. The electoral history of Ipswich was far worse than the electoral history of Stroud, and yet Sir Robert Peel said he would not oppose the issue of a writ for Ipswich. In the former case, there was the Report of a Committee that extensive electoral corruption had taken place in the borough. A writ was issued, and another election took place; and then a second Petition occurred. On the 1st of August it was reported that corruption had extensively prevailed, and on the 8th of August a writ was issued for the second time that year. And a great Parliamentary authority, Mr. Charles Buller, with reference to the case of Ipswich, said—

“It was sought to disfranchise a whole constituency, because of the faults of a few—a proceeding to which he was adverse, because he thought that the vengeance of Parliament ought rather to be directed towards those who gave bribes than towards those who took them. He objected also on the ground that it was unfair to punish all for the faults of a few. It appeared that since the Reform Bill, Ipswich had more frequently than almost any other place had its representatives unseated for bribery; but it also appeared that in no instance had it been shown that any large portion of the constituency were bribed. The largest number of persons accused of bribery at Ipswich appeared to have been about 70”—he (Sir William Harcourt) believed about six times as many as had been accused at Stroud—“and of these not more than 30, as far as he could judge from those best acquainted with the place, had been proved to be guilty.”—[3 *Hansard*, lxx. 1173.]

He would put this consideration to the House: There was a broad distinction between setting aside a particular return and suspending or annihilating the electoral rights of a constituency. A return might be set aside upon proof of bribery; but when they came to the other question—that of annihilating or suspending the electoral rights of a constituency—

they came to a question which he must be permitted with great respect to state was not within the competence of one House of Parliament to entertain. They could not disfranchise a borough without a Commission of Inquiry, with a view to disfranchisement, and without the assent of the whole Legislature—of the Commons, the Lords, and the Crown. What was the House now asked to do? It was asked to do something a great deal more than merely to issue a Commission. A Commission of Inquiry was not issued except in cases where the Judge had reported that there had been extensive bribery at an election. The hon. and learned Member for Londonderry asked the House to disfranchise, at least temporarily, a whole borough on account of the reputed offences of a few electors. Now, that seemed to him to be a strange proposition to come from the Conservative benches. It was a proposition to give the go-by to the House of Lords and to the Crown. The hon. and learned Member for Londonderry said his object was to punish this borough; but it was not in the competence of the House of Commons to punish a borough, except with the co-operation of the House of Lords and of the Crown. He (Sir William Harcourt) would ask hon. Gentlemen on both sides of the House to consider what would be the consequences of assuming such a power as the hon. and learned Member asked them to assume, and which had never hitherto been assumed. On previous occasions when the House of Commons suspended a writ it had been merely as a step to further proceedings; but that was not the case here. The hon. and learned Member had not pretended that this Motion was made as part of a proceeding for inquiry, or part of a proceeding for a Bill to be submitted to both Houses of the Legislature. He (Sir William Harcourt) hoped that Liberal Members would not maintain the doctrine that a constituency might be deprived of its electoral rights simply by a Resolution of the House of Commons, and he should be extremely surprised to find such a doctrine maintained by occupants of the Ministerial Bench. If the House of Commons once allowed itself to determine questions of this kind according to its impression, what would be the result? What use would be made of a precedent of that description in violent times?

Sir William Harcourt

He would illustrate it by a very celebrated case, the expulsion of Mr. Wilkes from the House of Commons. Suppose that some Member had come forward and said—"The last election for Middlesex was a very turbulent affair; in all probability Mr. Wilkes will be returned again for Middlesex, therefore let us suspend the writ for Middlesex." He (Sir William Harcourt) ventured to say the House would not have done so unconstitutional a thing. Take another case, that of the Clare election, when party spirit ran so high on the question of Catholic Emancipation. Suppose that, on the question of issuing a new writ for Clare, a Member had objected to the issue of a writ on the ground that a Roman Catholic Member would be again returned who, by the Constitution of this country, could not take the oath or a seat, and had therefore proposed, like the hon. and learned Member for Londonderry, as a merciful arrangement, that the writ should be suspended. There might be violent times when the two sides of the House were racing for a vote, and then they would form very different opinions as to what would be merciful for particular boroughs, according to the view they took of what would be the result of a particular election. Take the case of Baron Rothschild when he was returned, in the first instance, for the City of London. Suppose that the issue of a writ for the City of London had been suspended on the ground that the City would again return a Jew. If hon. Gentlemen thought there never would be times again when a violent party spirit would have an effect on matters of this kind, he had a very different opinion from them. He had no wish to disparage or lessen the privileges of the House, but it had never yet claimed such a power as that now asked for—a power to disfranchise for an indefinite period a particular borough by its sole vote. They certainly had power to make new precedents and to change the Constitution of the country; but in this case the Judge under the law which they had made had reported under three distinct heads—namely, on the conduct of the candidates, on the conduct of the voters, and on the conduct of the constituency. The Judge had three times reported against the candidates and against the voters; but with reference to the constituency the Judge once no-

minally reported against it, but the House held that was not a valid Report, and on the last two elections the Judge had reported in favour of the constituency. The Judge had, therefore, twice acquitted the constituency of corruption, and yet the hon. and learned Member for Londonderry asked the House to act as if the Judge had found the constituency "Guilty." The hon. and learned Member said—"Although under the statute you cannot inquire, yet you may suspend." To him (Sir William Harcourt) this appeared a most extraordinary argument, whether it be regarded from the point of view of common law or of constitutional law. The object of the Election Petitions Act was precisely to prevent such discussions as the hon. and learned Member for Londonderry had raised to-night. It was intended to prevent that which was necessary when the decisions of Committees were unsatisfactory—namely, that matters upon which opinions differed very much should be discussed on the floor of the House. The Act was intended to give the House a verdict against the constituency of "Guilty" or "Not Guilty" on which it might act; and the express intention of the legislation was that the House of Commons should not be constituted into a jury to revise the decision of the Judge. Therefore, by carrying the present Motion the House would practically repeal the Election Petitions Act. If the House, ignoring the judicial decision, were to go into a discussion as to the facts of the case, he saw nothing before them but endless disputes. If hon. Members were to attempt to regulate the social arrangements of particular boroughs they would be undertaking a duty which they were little fitted to fulfil. What he could say on the subject would carry little weight; but before the discussion was brought to a close the House would doubtless hear the advice of the Prime Minister, which advice would greatly influence the decision of the House from the right hon. Gentleman's long Parliamentary experience as well as from the high office he filled. For his own part, he deprecated this dangerous innovation in Parliamentary practice—an innovation which shook the foundations upon which rested the rights of the constituencies. He hoped the House would not consent to the Motion; and, indeed, he trusted that, upon

further consideration, the hon. and learned Member for Londonderry would not press it to a division.

THE SOLICITOR GENERAL said, that he could quite have understood the object of the hon. and learned Member for Londonderry (Mr. C. Lewis) if he had moved for the suspension of the writ with a view to some ulterior proceeding; but the hon. and learned Gentleman distinctly and clearly stated that he did not move for the suspension of the writ with a view to any ulterior proceeding at all, but only for the purpose of inflicting some punishment—which he assumed had been deserved—on the constituency of Stroud. It appeared to him that the suspension of the writ for such a purpose as that would be contrary, not only to Parliamentary precedent, but also to the law, and certainly to policy. Why should the constituency of the borough of Stroud be punished for an offence of which they had not been found guilty? and why should they be punished when there was to be no investigation set on foot to discover whether they were guilty of an offence or not? As far as he could make out, the law of the matter was very clear and simple. Prior to the Act of 1854—under which a Commission might issue upon the application of both Houses of Parliament—no doubt writs were very frequently suspended; but a reference to the authorities on the subject showed that the writs were suspended in order that an investigation might be instituted for the purpose of ascertaining whether corrupt practices extensively prevailed, and with a view to the ultimate disfranchisement of the offending constituencies. Under the Act of Parliament in question, both Houses might petition Her Majesty to issue a Commission upon the Report of a Committee appointed to try an Election Petition that corrupt practices had extensively prevailed, or upon the Report of a Committee appointed to inquire whether corrupt practices had extensively prevailed in any particular place. But unless there was such a Report a Commission could not issue. By a subsequent Act the Election Judge was substituted for the Committee to try the Election Petition, and as the law now stood, a Commission could not issue unless there was a Report from the Election Judge that corrupt practices had extensively prevailed. No doubt, if

there were such a Report, or if there had been a Committee appointed to inquire whether corrupt practices prevailed, and such Committee had made a Report to that effect, a Commission could issue under the Act of Parliament; otherwise, it could not. Now, the hon. and learned Member for Londonderry wished the writ for Stroud to be suspended, although the Election Judge, instead of reporting that corrupt practices extensively prevailed, had reported distinctly to the contrary. The hon. and learned Member would have the House to ignore the finding of the learned Judge—that was, of the tribunal properly constituted and authorized to investigate the matter. In the teeth of that finding, which exculpated really and truly the constituents of Stroud, and was to the effect that they had not offended, the hon. and learned Member for Londonderry would have the House suspend the issuing of the writ for the purpose of punishing the constituents of Stroud for not having offended. He (the Solicitor General) objected to the Motion.

LORD ROBERT MONTAGU said, he thought the argument of the hon. and learned Member for Oxford (Sir William Harcourt) was based on two fallacious principles. He was not going to enter into a controversy of precedents, although he thought the hon. and learned Member for Londonderry (Mr. C. Lewis) had carried off the victory, and had shown that the weight of precedents was on his side. The first of the false principles on which the speech of the hon. and learned Member for Oxford rested was that the franchise was a property and not a trust; and the second principle he laid down was distrust of the House of Commons. The first of these principles was a most dangerous one, for if it were sound a voter would be justified in selling his vote to the highest bidder. This point was thoroughly discussed at the time of the passage of the Reform Bill. It was on the same ground that the hon. and learned Gentleman spoke of punishment, saying that Stroud should be put in a corner like a naughty child, or rusticated like an undergraduate. He contended, however, that the House had a right to see that the trust of the franchise was properly fulfilled; and that, if it were abused, the House had a right to put the naughty child in a corner. In other words, disfranchisement was a proper

punishment for a borough. The hon. and learned Gentleman's next argument was that a borough might be disfranchised, but not by the House of Commons. It must, according to him, be disfranchised by Act of Parliament. Now, what was the difference between a vote of the House of Commons and an Act of Parliament? The effect was two-fold. In the first place, an Act of Parliament involved the consent of the three Estates of the Realm, and not of the House of Commons alone; and for that reason it was the hon. and learned Gentleman expressed distrust of the House of Commons. The hon. and learned Gentleman said—"Remember the great abuses that may come in if you trust the House of Commons alone, without the Queen and the House of Lords to keep it in check." In fact, he spoke of the House of Commons as if it were the National Assembly or the Constituent Assembly of France in 1791. Then the hon. and learned Member cited a precedent which went strongly against him, for he alluded in a passing manner, as though he was afraid of it, to the Jewish Disabilities. That controversy was raging at the time he first entered the House. A Bill was brought in year after year, and it failed to be carried owing to the votes, not only of Members on that side of the House, but to the votes of many of the extreme Party on the other side, who voted against the measure on the ground that the House of Lords and the Crown had no right to meddle with the qualifications for seats in the House of Commons. They argued that the question whether Jews should sit in the Lower House was one for the boroughs and communes of England to decide, and that the House of Commons alone had a right to settle the matter. Consequently Lord Russell dealt with it by a separate Resolution, which was passed in the House of Commons. The other difference between an Act of Parliament and a Resolution of the House of Commons was, that one was more permanent than the other. If the Motion were passed, next Session the House might, in one evening, vote that the franchise should be given to Stroud; but an Act of Parliament would, in the shape of a Bill, occupy a Session, and have to run the gauntlet of both Houses. But that was the very objection his hon. and learned Friend the Member for

Londonderry made. The fact that the franchise might be given back by a vote of the House was an argument in favour of the Motion. Again, the hon. and learned Gentleman said the Judge had reported in favour of the constituency, and that the House should act upon the Judge's opinion, who, having reported on case after case of bribery said, in a lenient mood, that the constituency were not guilty of bribery. Well, if the candidates were not guilty, and if the constituency were not — good Heavens! who were guilty of bribery? The Judge had given sentence, and on that sentence, said the hon. and learned Gentleman, the House were bound to act. If that were so, why did he not bring in a Bill to extend the Bill of the year before last? The hon. and learned Gentleman would practically leave the whole matter in the hands of the Judge; but the House of Commons had already declined to delegate such power to any Judge. The House retained that power in its own hands, and the hon. and learned Gentleman only showed a little more of his distrust in the House of Commons in the course he had that evening pursued. The Judge was still a Judge merely, and not a jury. The House of Commons was in such a case as the present both Judge and jury, and it was because he had no distrust in that House that he supported the Motion.

SIR WILFRID LAWSON said, he had risen some time since to support the Motion, but at the same time his hon. and learned Friend the Member for Oxford (Sir William Harcourt) happened to catch the Speaker's eye. He was very glad he had the benefit of his hon. and learned Friend's speech before he made his own; because, although he felt inclined half-an-hour ago to vote for the Motion, he was perfectly convinced he should do so, having heard the speech of his hon. and learned Friend. That speech was nothing, from beginning to end, than precedent, precedent, precedent. He (Sir Wilfrid Lawson) said—“Away with musty precedents.” What did the House of Commons exist for but to make precedents? and he hoped they would make a new precedent that night. Talk about the Motion being unconstitutional, and beyond the powers of the House of Commons! It was nothing of the kind. If there were anything irregular or wrong in it, the Speaker would

not have allowed it to appear on the Order Book that day. Let them take a broader view of the question than was usually taken by Gentlemen of the long robe. What was the object in moving for the issue of the writ? There could be only two objects in view—to remove a grievance which was felt in Stroud by the electors of that wonderful borough, or to remove a public grievance which was felt by the House of Commons and the country. He had no doubt that inconvenience and discontent were felt by a certain section of the Stroud constituency. They were very fond of elections there, and the persons who delighted in them, and made most profit by them, had had four elections in seven months, which he thought was quite enough, and ought to satisfy anyone. But there might be other reasons why this writ was moved. His hon. and learned Friend the Member for Oxford talked about street gossip, which alluded to certain arrangements which had been made with regard to the election at Stroud. Now, he would give his hon. and learned Friend, not street gossip, but two or three lines which appeared that morning in the leading journal. That at all events was not street gossip. He read *The Times*, and very able and well-informed people wrote for *The Times*. Here was the statement—

“We have much pleasure in stating that arrangements are in progress, by which it is hoped that the Right Hon. E. P. Bouverie may be returned without a contest for the seat vacated at Stroud by the last decision of the Election Petition Judge. Liberals and Conservatives alike will rejoice to have Mr. Bouverie once more in the House of Commons.”

They all had a great regard for his right hon. Friend, who had been removed from the House of Commons for about 12 months; but he must say he never heard anything so bad of him as that he was to be supported by both Conservatives and Liberals. But if that were the case, what was the grievance at Stroud? If they really meant to bring in his right hon. Friend—[“No, no!”]—well, he thought it very probable. They had one Member now, a very good allowance as times go, for a town of 38,000 people such as they were. If they now returned a Member who would vote Liberal and Conservative, what would they gain in voting power? They had, therefore, no real grievance; but perhaps they were to regard the

question as involving some grievance to the public. For his part, he was inclined to think the House was large enough, and that they could do perfectly well without an additional Member, especially at a time when there was so little to do for any one of them. He would put the question impartially to both sides, and first he would say a word to hon. Gentlemen opposite. Last year they were told by the hon. Member for Stafford (Mr. Salt)—a consistent, straightforward, able supporter of the Ministerial party—that that party were a party of silence and consideration. Now, he asked them, if Mr. Bouverie were in the House, could they be silent or considerate? Again, let them look at the Liberal side of the House. They were certainly in a better position than they were in a short time ago, having been last Wednesday consolidated in the Smoking Room of the Reform Club. And, as he understood from the Leaders of the party, their duty at the present moment was to do nothing but sit and watch hon. Gentlemen opposite. But if they got Mr. Bouverie into the House, he would so disturb them that they could not possibly perform that duty. Whatever they did, let them not get a clever man into the House. If Mr. Bouverie got in he would have something to say upon every subject, and the Party which had just been consolidated would fall to pieces like a pack of cards. Let them wait until there was some great question before the country, when Mr. Bouverie might come in, not, perhaps, supported by both parties, but by one party—he should not like to say which. Let them not, for Mr. Bouverie's sake, if it were so—still less for the sake of keeping up old musty precedents, in which his hon. and learned Friend the Member for Oxford delighted—throw the whole town of Stroud into turmoil and confusion, for no good purpose that he could see. Let them wait, at all events. Let Mr. Bouverie wait, and come in at some other time, not at this moment, to disturb the holy calm and profound peace that at present pervaded every section and fraction of a section of the House of Commons.

MR. WHITBREAD said, that having been connected with the general Committee on Elections, and having cordially supported the measure brought in by

Sir Wilfrid Lawson

the right hon. Gentleman (Mr. Disraeli), which handed over Election Petitions to the Judges, he was unwilling to give a silent vote on this question. In his opinion, the position of those who had opposed this Motion was, so far as precedent and principle was concerned, entirely unassailable. They were told that this writ ought not to issue because political excitement ran high at Stroud. They were now asked to make a new crime and a new offence. They were told the borough of Stroud had got into such a state of political excitement, that it was not likely to exercise the franchise properly, and the House was accordingly asked to take a most dangerous step in creating a new precedent on the subject. He appealed to the Prime Minister who brought in this Act to support the authority of the Judges. The law provided for the appointment of a Commission in cases only in which corrupt practices were reported to have extensively prevailed. It seemed to him that they would be taking a new course in refusing upon their own responsibility to issue a writ; and if they once adopted that principle, there was no limit beyond which they might not carry it. The hon. Member for Carlisle (Sir Wilfrid Lawson) would have them disregard precedents; but for himself, after many years' experience in the House, he could hardly remember a case where a precedent had been disregarded of which they did not soon have occasion to repent. He sincerely hoped that the House would not accept the advice given to it, and begin an era of new precedents. Whatever the vote might be, he entered his protest against any such course being adopted.

MR. GREGORY contended that the fact that the House was the authority to issue a writ was a presumption that it possessed jurisdiction in a case of this kind, and they were called upon to exercise a kind of judicial function in issuing such writ. It was true that the Judge exonerated the borough of Stroud from a general charge of corruption; but his words were very guarded, being that there was no reason to think that general corruption had prevailed "in the present election." Knowing what the House did of the previous elections for the borough, it could appreciate such a finding on this occasion. The true issue now raised was that there had

been four elections, every one of which had been more or less tainted by corruption. Yet the House was now called upon to exonerate the borough from all criminality, and to issue the writ as if the borough was one of the purest in England. He could not consent to take such a course, and he would, therefore, support the Motion of his hon. and learned Friend the Member for London-derry (Mr. C. Lewis).

MR. DISRAELI: Mr. Speaker, my hon. Friend who has just addressed us stated that he would try to put the question before the House in its true light. I will endeavour also to put the question before the House in its true light, and the light in which I view it is, that if this Motion is carried, it amounts to an abrogation of the Election Petitions Act of 1868. In that Act there were certain powers given to the Judges which the House of Commons waived, after ample discussion, after great thought, and with a due sense of the sacrifices they were making. If we were now to announce that because the decision of a Judge, acting under such authority, does not please us, we are to come to a decision contrary to that which according to the provisions of the law has been made public by him, I can only look upon it that if this Motion were carried, the authority of that Act would be entirely superseded. I am not prepared, however, in any way to supersede or abrogate that Act. I believe that it has worked well for the country and for the House of Commons. It is possible that in some of its details it may be improved—and that is a point on which it is unnecessary to enlarge—but the general spirit of that Act is good, and it will be well for the House of Commons always to support it. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) who always addresses us in a spirit of gay wisdom, laughs at experience and denounces precedents. Well, precedents are often attacked and abused, and the hon. Baronet to-night has been profuse in his denunciations of them. But precedents generally—and I will say Parliamentary precedents always—embalm principles; and I am convinced that if we remove far from the line which our Parliamentary precedents indicate to us for our guidance and the conduct of our business, we shall soon repent our rash-

ness. The noble Lord the Member for the county of Westmeath (Lord Robert Montagu) sent me a pamphlet the other day, which I have read with much interest—as I read everything that comes from his animated pen. It was a vindication of Infallibility. In what quarter that infallibility is exercised it is unnecessary for me to touch upon, but to-night my noble Friend is the champion of the infallibility of the House of Commons. That is a principle which, to my mind, is certainly not orthodox, neither is it always safe. I have sat in this House as long, probably, as most men now in it, and I am deeply interested in its honour and reputation; but I have ever opposed any proposal that this House should assert to itself an authority independent of the other branches of the Legislature, and estates of the realm. The proposal before us, however, essentially aims at such a consequence. My hon. Friend who made this Motion would do well, I think, if he were to consider what course he will adopt if he succeeds. If he carries it, he cannot terminate his connection with the borough of Stroud. He will by the success of his Motion appoint himself the guardian of the honour and interests of the borough. He must be perpetually bringing the subject before the House, and it will be for him, when he has made due inquiry, to tell us when he thinks that the borough of Stroud has returned to that order of mind at which we may entrust to it the noblest franchise of Englishmen. He must keep us *au courant* with a series of bulletins about the state of the borough of Stroud, because he has no ulterior plan. The proposition itself is one which, if it succeeds to-night, holds out to the House no promise or prospect of any future arrangement; and therefore I think my hon. Friend will find great difficulty in the course which he has adopted. He cannot, if he wishes really to punish the electors of Stroud; he cannot, if he succeeds in his Motion to-night, call upon the other authorities of the Legislature to combine with him and bind the House of Commons to carry any measure on the subject. He cuts himself off from any constitutional course becoming the occasion by the line he is pursuing to-night. My hon. Friend will do well then to consider these difficulties before he calls upon the House to come to a vote upon this question.

The times may come when the spirit of the House of Commons may be very different from what it is at present. I can remember myself some periods since I have been a Member of this House, when the existence of the Government depended upon a single vote—when the country was inflamed on subjects which were peculiarly adapted to excite the passions of a free people, and when things were proposed which those who had any connection with them may look back upon with regret. What saved the House of Commons at that time? What saved it from a course which might produce Parliamentary anarchy and inflict great injury on the country generally? Why, it was respect for the musty precedents which the hon. Baronet holds up to humorous scorn to-night that guided them. There were then great men in Parliament on both sides of the House. There were lawyers—although he sneers at gentlemen of the long robe—who were never equalled probably at any period of our Parliamentary history for their learning and independence, and experienced statesmen on both sides, who agreed that they would adhere to precedents and be guided by the experience of their predecessors. I trust the House, then, will not allow itself to deviate into a path so dangerous and so difficult as the one that has been indicated, and which we have been recommended to pursue to-night. I am sure if we do, we shall open up a scene of confusion which will not easily end, and no question of a Parliamentary contest will ever come before the House without some proposition being made so unconstitutional in its character that the result must be the degradation of the authority of Parliament, and the reduction of our powers of being useful to the country.

Mr. CHARLES LEWIS said, he was compelled to say a few words on account of the way in which the Motion had been met by the two front benches. He understood the proposition which was now laid down to be that, under no circumstances had that House the power to suspend the issue of a writ for any constituency when there was a vacancy, unless there was a case for a Commission upon the Election Report of a Judge, and that the House could take no other step for the punishment of a borough found guilty of great, though not of ex-

tensive, bribery. If so, what was the meaning of the form of asking the House, aye or no, whether it would consent to the issue of a writ? What was the meaning of that indignation which came from the front benches on the other side when, in the case of Wakefield last year, it was found that the writ had been moved for the same night? The other side of the House expressed its indignation at being taken by surprise. How could it be taken by surprise if, in the absence of a case for a Commission by reason of the form of the Judge's Report, the issue of a writ was a matter of right, and not a matter of discretion? What was the meaning of the formality the House was asked to go through yesterday by the Secretary to the Treasury, in passing a Resolution, that in any case where a vacancy had been occasioned by a Report imputing bribery, no writ should be issued, except after two days' notice on the Votes? That must have been proposed under a fallacious assumption if, as was now stated on the highest authority, the House had no discretion, unless there was a case for a Commission. It was he who was asking the House to follow its own precedents. The appeal of the hon. and learned Gentleman (Sir William Harcourt) to the precedent of Stafford failed for its purpose and strengthened his own case. It was not for bribery committed at an election during the existing Parliament, but for bribery committed during an antecedent Parliament, not followed by disfranchisement, that the House interposed for two years to prevent an election; and it was not even a by-election, but a vacancy occasioned by a resignation. Neither front bench had attempted to meet that precedent, and when the hon. and learned Gentleman did refer to it, he found he was dealing with what was said in 1833, when the Report of the Committee had just been presented, and had given the go-by to the accumulated force of the subsequent facts and the suspension of the writ by another Parliament from 1835 to 1837. Neither the hon. and learned Gentleman, nor the Solicitor General, nor the Prime Minister said anything about Wakefield. In that case, when the Commission had spent its force, when it was *functus officio*, when no hon. Member of the House ventured to say there was a case to justify disfranchisement, when there was

Mr. Disraeli

no proposition to deal with the borough in any other form, the House refused for two whole years after the Report of the Commission was laid on the Table to issue a writ for the election of a Member. He was held up as an intruder upon ancient precedents; but, as he had said, he asked the House to follow its own precedents, not to fly in the face of them and tear them up—he left it to the two front benches to do that, remembering that, when they agreed, they were generally in the wrong. He asked the independent Members to maintain the forms, customs, and precedents of Parliament for the purpose of putting down corruption, and not to allow themselves to be led away by the suggestions which had been made. This case would be a dividing line in the history of Parliament if, by the junction of the two sides above the Gangway, the Motion was defeated, and the inference would be deduced that unless the case of corruption was so bad as to come within the purview of a Commission, no amount of subsidiary or detailed corruption would be sufficient to render it liable to a day's punishment. Under those circumstances, he must persist in dividing the House.

MR. CHILDERS was unwilling to intrude on the House after the reply of the hon. Member; but, as he had again referred to the precedent of Stafford, he wished to say that at the election of 1833 it was notorious that there was great corruption, and, as the ordinary forms of inquiry would not reach the case, an Act was passed for a special Committee. The corruption was proved, and in the following Session a Bill was introduced to disfranchise Stafford; but the Bill failed to reach the House of Lords in time to be passed. In 1835 it was again introduced and carried by an enormous majority in the Commons, but it again failed to pass the Lords. In 1836 it was introduced for the third time and carried by the consent of almost the whole House, but it was rejected by the Lords; and when it had been rejected, a writ was moved for, so that the precedent, instead of supporting the hon. and learned Member, told the other way.

Question put.

The House *divided*:—Ayes 44; Noes 225: Majority 181.

LIGHTING, PAVING, AND CLEANSING (METROPOLIS).—RESOLUTION.

SIR WILLIAM FRASER, in rising to move—

“That, in the opinion of this House, the condition of the Metropolis as regards Lighting, Paving, and Cleansing, calls for legislation,”

said, that the question was whether the Metropolis should continue in its present condition of sordid anarchy with respect to those important matters. The last time he called attention to the subject, some years ago, he moved the appointment of a Royal Commission to investigate and report upon the condition of London, but Sir George Grey, then Secretary of State, declined to accede to the Motion, on the ground that the facts were already well known, and there would be no advantage in issuing a Royal Commission on the subject. In the autumn of the same year Sir George Grey wrote a letter to the Chairman of the Metropolitan Board of Works, calling attention to the debate and asking their opinion upon it. The question was fully discussed by the Metropolitan Board, and the conclusion to which they came, as might have been anticipated, expressed their high approval of the state of London, and the opinion that no reform was necessary. A Select Committee was subsequently moved for by the late Mr. Charles Buxton, which was consented to, and presided over by a right hon. Gentleman of great ability (Mr. Ayrton), then Member for the Tower Hamlets, a Member of the late Government, the result of which was to add two bulky and interesting volumes to the literature which already existed on the subject. There was a long Report with the Minutes of Evidence, but nothing came of it until last autumn, when a deputation waited on the Home Secretary. He (Sir William Fraser) was requested to take part in it, but he declined to do so, promising, however, to give his best attention to the Bill which was then foreshadowed. The facts of the case could hardly be disputed. The vestries of London, under whom we lived, and by whom we were ruled, had numerous advocates in the House, and if he was thought a foeman worthy of their steel, there would be an ample opportunity for defence. It was well known that they were most inefficient in their management of the local

affairs of the metropolis; that they were a numerous and divided body, incapable of doing anything effectively; and it was to remedy the present state of things and to bring public opinion to bear upon the question that he brought forward his Motion. First of all, could anyone say that the paving of London was in a satisfactory condition? Taking on the one hand an aristocratic thoroughfare, and on the other, one inhabited by the humblest classes, he would submit to the House whether they indicated a state of things that ought to exist. He would not go as far as Bermondsey; but, taking Piccadilly, which had been paved in the most various ways; he did not know whether there had been asphalté, but there had been wood, granite, macadam; could it be said that its paving was such as it ought to be, or that it was managed so as to render walking as convenient and practicable as possible? At that very moment the inhabitants of Piccadilly, including a Royal Prince, were indebted to the charity of a private individual, who was permitted at a large expense to himself to assist in putting down a wooden pavement. Had there been an uniform system of administration uniformity of pavement would have been brought about. In Oxford Street and other great thoroughfares there was great variety, and in the smaller thoroughfares the variety was, if possible, still greater. How was the work carried out? When an accident occurred on a railway, men were set to work morning, noon, and night, to clear the line. But what happened in London when the pavement was being replaced? Men went to work, left off to go to dinner, and when dusk came not a man was to be found doing anything, though the traffic in London was a hundred times greater than on the most frequented railway. There was scarcely a day passed that they might not read in the newspapers accounts of accidents occurring in the streets, resulting in broken or dislocated limbs; and as for the roads in what were called "the outskirts," you might travel into any part of the Kingdom without finding worse. As an instance, the Queen's Road, near the Chelsea Suspension Bridge might be taken, and it would be found that it was periodically full of mud, slush, or dust, varied occasionally by masses of flint, which were thrown in the roadway and left there

unrolled. Then the street gas was very bad, so he was informed; and when he visited any other town he found it to be better. They paid the best price, and yet they got an indifferent article; and if they complained about it the companies, who possessed great capital, would turn round and say—"Do your worst." In fact, they laughed at the remonstrances of the vestries; while as to the lamp-posts, many of them appeared to form part of an old stock accumulated in the reign of one of the Georges, which was now being gradually used up. Thirdly, with regard to cleansing, could anything be worse? In the summer there was constant dust, in the winter mud and slush, followed by granite, flints, and every sort of ingredients. And not only that, but we were told that a great many of the worst disorders, those called entozoic, were caused by decayed particles of matter carried about. As for the question of snow, which at times was wont to agitate the newspapers, we know that vast masses of it were allowed to accumulate, as some thought, quite unnecessarily. It might be very difficult to remove quickly a heavy fall, but there were other means of getting rid of snow, which surely might be tried; for instance, it might possibly be melted by heated rollers. One great difficulty in dealing with London was its vast extent; but, besides, it was completely different from every other city. One of the most interesting discoveries of the present generation was the unearthing of the vast sites of ancient cities, such as Babylon and Nineveh, situated on what was once, and might again become, the great highway of the world. Those cities were built with far more regard to sanitary conditions than London. For instance, instead of being wedged together as with us, every house had its garden, and he need not dwell on the salubrious effect of such an arrangement. The vestries were very much blamed for the state of things of which he complained: no doubt the main point was that these bodies were far too weak. It was easy to bring accusations of venality, and to say that no persons went to a vestry except for corrupt purposes. He did not share that opinion. These men might do their best; but their best was not at all good. In the last century, a philosopher who cared, perhaps, more for point and

antithesis than truth, speaking of different kinds of Government said—

“Whate’er is best administer’d is best.”

He would not say that, but he would say that “whate’er is worst administered is worst;” there could be nothing worse than the administration of London. Nor were the different Acts of Parliament governing these bodies by any means strong enough. Many of the clauses of Sir Benjamin Hall’s Act began with the word “may.” “The vestry may do this or that;” the word “shall” ought to have been substituted. Several different schemes for the government of London had been suggested, to all of which, of course, objections might be urged. One was that London should be formed into a vast corporation with the City for a centre; but it was probable that the City, being very rich, would not care to amalgamate itself with another corporation, which was not only very poor, but was burdened with a heavy and increasing debt. Another scheme was to form each of the Parliamentary boroughs into a corporation; but he feared if that were done, the men who served in those corporations would not be much more enlightened than the present vestrymen. He believed there was a considerable jealousy of London, and a desire in many quarters that it should continue weak, and broken up into opposing bodies that it might not become a rival to Parliament. It had occurred to him, therefore, that it might be brought more directly under the control of that House if a Minister were appointed for London, aided by an elected Board, which should have the necessary taxing powers in regard to the three great essentials he had named. Were that done, he felt sure that there would be one great sigh of relief from all the ratepayers of London. He did not ask for immediate legislation, but he hoped that something would be done soon. It was necessary to bring public opinion to bear on the matter, and it was in the hope of doing something towards that end, and towards arousing a feeling on the subject, that he had brought forward the Motion. The hon. Baronet concluded by moving his Resolution.

Motion made, and Question proposed,
“That, in the opinion of this House, the condition of the Metropolis as regards Lighting,

Paving, and Cleansing, calls for legislation.”—
(*Sir William Fraser.*)

SIR JAMES HOGG said, that though the Metropolitan Board, of which he had the honour to be Chairman, had nothing to do with paving or lighting, yet he felt it his duty to make a few remarks on those subjects. In doing so, he would at once say, he could take little exception to the manner in which the Motion had been brought forward. He did not intend, on this occasion, to enter into a detailed defence of the government of London, because that was not the question involved in the Motion, and it would probably come before the House at some future time. In his opinion, after having given considerable attention to the paving, cleansing, and lighting of the metropolis, he thought that, on the whole, though there might be some cause of complaint, these things were fairly done, considering that there were 1,200 miles of streets to attend to, and an area of 120 square miles. Speaking, not, like his hon. Friend, as a gentleman of leisure, rather fond of criticism, but as Chairman of the Metropolitan Board, and also as having previously served on local vestries and district boards, he could assure the House that a vast amount of care and attention was given to the work, and he thought that, speaking generally, the governing bodies deserved praise rather than the reverse. Considering, too, that his hon. Friend had had since August last to prepare his indictment against the vestries and district boards, he thought the case just presented to the House was rather a meagre one. His hon. Friend mentioned the paving of Piccadilly; but had he ever considered that the gradients of Piccadilly were not the same throughout the whole length, and that it was impossible to put asphalt on a hill, or horses would tumble down? Then his hon. Friend said, that if London were under a single government, there would be one uniform paving. Now, he did hope the day would never arrive when there would be one uniform system throughout the whole metropolis. Where there was a vast amount of traffic, pitching was absolutely necessary; while in other places, gravel would suffice. He was glad to see that wood pavement was being laid down in various places. It had formerly

been tried and failed, but he hoped it would prove successful now. Local boards, however, would be blamed if they spent a great deal of money upon experimental pavements, though they were quite ready to adopt them on a larger scale if they proved successful. As to lighting, he should not say much. It would be his duty by and by to introduce Bills, asking the House to assist him in purchasing or regulating the gas undertakings of the metropolis, and he should expect the cordial support of his hon. Friend in that endeavour. Meanwhile, if the gas companies put bad gas into the public lamps, his hon. Friend must not blame the vestries. In justice to the companies whose gas had to be tested by the Metropolitan Board, he was bound to say that the gas was generally found to be up to the mark when thus tested; but, in any case, the vestries and district boards were not responsible if the gas were not of the best character. The cost of lighting in one or two parishes would show how considerable this item of local expenditure was, and that the vestries had not fallen short of their duty in that respect. In St. Pancras, the lighting cost £15,428; in St. George's, Hanover Square, £11,498; and in St. Marylebone, £17,368; while the paving in Marylebone cost £17,399; in St. George's, Hanover Square, £20,281; and in St. Pancras, £38,947. The vestries were, therefore, alive to their duties, and felt that they were bound to spend large sums of money in this way. Surely, however, there must be some limit to this expenditure. Vestries could not go on increasing the rates indefinitely. The rates even now ranged from 3s. 6d. up to 6s. or 7s. in some cases; and he had often had to vote with a sad heart, when appeals were made by poor people, ill able to bear the rates. It was the duty of the persons who controlled these funds, to use them in the most economical manner. As regarded cleansing, he agreed that it was of importance, in the interests of public health, to do as much as possible in removing the summer dust and the winter mud; but in a changeable climate like ours, sometimes even the best intentions must be baffled by the state of the weather. One or two facts respecting the expenditure for cleansing the streets would, perhaps, astonish the House. In

1874, this item amounted in Marylebone to £12,262, and 129 men were employed daily. In St. George's, Hanover Square, it cost £9,242, with 80 or 90 men employed; and in Westminster, it cost £7,600. The vestry which had the charge of Regent Street, employed gangs of men, who began their work at 4 o'clock, both in summer and winter, and in other parts of London, the men began work at 5 o'clock, so that the larger thoroughfares might be cleansed at a proper time without impeding the traffic. The snow was always a matter of complaint, but it was impossible to gather up at once a large mass of snow. During the last fall of snow, 600 men were employed in the parish of St. George's Hanover Square, at a cost of £400; and general instructions were given to the surveyor that whenever a fall of snow occurred, he had *carte blanche* to do what was necessary. According to an estimate which had been prepared by the surveyor of St. George's Vestry, it would take the same amount of labour of men and horses to clear the streets from six inches of snow, as would suffice to cleanse them for a whole twelvemonth. The same might be said for both Marylebone and St. Pancras. That estimate would show the House what enormous difficulty was occasioned by a deep fall of snow in the metropolis. One of the chief difficulties in connection with the subject was to find a shoot for the snow. Carts, and men to put the snow into them, might be hired, but what was to be done with the snow when it was in the carts? and that was a difficulty that increased year by year, the carts having to go further and further to find a shoot. The cost of watering the roads, again, was probably, on the average, £90 per mile. The hon. Baronet had charged the vestries and district boards with having been wanting in their duty; but he begged to lay the following figures before the House, compiled from a return from most of the vestries and district boards, showing what had been done in these respects during the last 19 years in which the Metropolitan Board had been in existence. The parish of St. Mary, Islington, had laid down 541,363 squareyards of paving, at a cost of £105,278, and had put up 1,246 lamps. The parish of St. Leonard's, Shoreditch, had laid down

Sir James Hogg

501,645 square yards of paving, at a cost of £119,094, and had put up 70 lamps. The parish of Bethnal Green had laid down 364,629 square yards of paving, at a cost of £104,300. The parish of Kensington had laid down 149,000 yards of paving, at a cost of £113,963, and had added 2,275 lamps. All the districts had not sent in returns, but the returns that had been furnished showed that in parts of the metropolis, 4,871,501 square yards of paving had been laid down, at a cost of £2,079,880, and that 14,440 lamps had been put up during the period to which he had referred. Under these circumstances, he thought that the much-abused vestries and district boards of the metropolis were entitled to some little credit, at all events, for what they had done in this direction. He should state, in conclusion, that the Metropolitan Board had no control over this matter, and could only notify deficiencies to the vestries and district boards, with a view to their correction.

MR. BECKETT-DENISON said, he wished to bear his testimony to the deplorable state in which many of the thoroughfares of the metropolis were allowed to remain on Sundays. To whatever cause it was due, they were left wholly uncleansed and unwatered, so that London, on a Sunday, when there was a high wind prevailing, was simply insufferable. No doubt a great many of the vestries were entitled to commendation for the way in which they looked after the interests of their parishes; but there were others of which the same thing could not be said, and a discussion like the present would be very useful in arousing them to a sense of their duties. At the same time, he felt that it was scarcely right, seeing how high the parochial rates were, to ask the vestries to increase the burdens of the ratepayers.

MR. ASSHETON CROSS said, that no man was better entitled to speak upon the subject than the hon. Baronet who had introduced it to the notice of the House, he having called attention to it years ago, when Sir George Grey, who was then Home Secretary, promised to take the matter into the consideration of the Government; and he had much ground for complaint when, after the lapse of so many years, he found that the streets of the metropolis were in the

same state as when he first drew attention to the subject. The hon. Baronet had placed the matter very ably before the House; but he had made one rather important omission in his speech, and that was to show how the evil he pointed out was to be cured. He trusted that the hon. Baronet would go a step further, and would embody his views in the shape of a practical Bill, when his proposals might be more easily discussed. He had also listened with much attention to what had fallen from the hon. Member who had spoken in defence of the vestries. He was not about to enter on the present occasion into the question of how far the vestries had carried out what was entrusted to them, or how far they had failed to do so; for, judging from what had been stated that night, he would have ample opportunities at another period of the Session of going further into this matter. But his hon. Friend the Chairman of the Metropolitan Board had said a great deal about cost and very little about science. Now, he (Mr. Cross) could not help thinking that by the application of scientific knowledge, much greater results than any that had yet been attained might have been effected at a much less cost in lighting, cleansing, and paving. What was wanted was some mode of applying scientific knowledge, and any private Member who brought forward a proposal of this kind, which would affect the whole of the metropolis, should be very careful that his plan should provide for the greatest convenience to the public at the least possible cost, and this could only be secured by applying scientific knowledge to the subject. A good deal had been said about the clearing away of the snow after a heavy snow-storm, and he had received numbers of letters complaining of him for not taking steps to secure its removal, and also for not seeing that the crossings were swept and the pavements prevented from becoming greasy; but he wished to take that opportunity of replying to those persons *en masse*, and to remind them that it was the duty of every householder in London to see that the pavement in front of his premises was swept and cleaned. He knew that this was enforced during the prevalence of snow, but it was not strictly enforced at other times. He trusted that, after the discussion which had been evoked, the hon. Baronet

would not deem it necessary to go to a division on his Resolution, but would withdraw it.

SIR WILLIAM FRASER said, he was willing to accede to the suggestion of the right hon. Gentleman. He must still however maintain that men who were entrusted, as vestrymen were, with the disposal of vast sums of money ought to be the very best men that could be got. The right hon. Gentleman had suggested that he (Sir William Fraser) ought to bring in a Bill. He had purposely avoided that course, for it could not be expected that a non-official Member would be able to carry a comprehensive measure on such a subject. He had confined himself to making a suggestion, which he still thought was not an unsound one, namely, that there should be a Board consisting of a limited number of persons, and presided over by a Minister of high rank. In a letter which appeared last autumn in *The Times*, Lord Grey suggested that a Committee of the Privy Council should be appointed to consider this question. But, surely there was a Committee of the Privy Council sitting *en permanence*, and receiving high, though not too high, emoluments, by whom the matter might very properly be considered. He hoped the present debate would be the means of attracting general attention to the subject, and that he would live long enough to see London very different from what it now was in the respects to which he had referred.

Motion, by leave, *withdrawn*.

PARLIAMENT—BUSINESS OF THE HOUSE—OPPOSED BUSINESS.

RESOLUTION.

MR. HEYGATE, in rising to move the following Resolution:—

"That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called,"

said, it was identical, in every respect, with one which obtained the sanction of the House in the Sessions of 1872 and 1873, and which received its form principally at the hands of the late Prime

Minister. Last year he (Mr. Heygate) proposed its re-adoption, and it was carried, but with an addition suggested by the hon. Member for Swansea (Mr. Dillwyn), who, it appeared, was going to bring forward a similar Amendment on the present occasion. That addition, in his (Mr. Heygate's) opinion, interfered very seriously with the salutary operation of the Resolution, and he trusted the hon. Member would be induced to alter his determination. It was not necessary to repeat the history of the circumstances which led the House to adopt in 1872, the Rule which he now again proposed. He would only remark that, previous to 1871, the uncertainty experienced, especially towards the end of the summer, as to what business might or might not occupy the attention of the House at a late hour, and the unseemly contention which sometimes resulted from the attempts made by hon. Members to force forward at an advanced period of the night, Bills of an important character, which encountered serious opposition, had pressed themselves more and more upon the attention of statesmen, and had, in fact, rendered it necessary that something should be done to remedy the evil and remove the scandal. Night after night hon. Members had to tramp incessantly through the Lobby, on divisions alternately for an adjournment of the House and for an adjournment of the debate, with the object of putting off Motions, the discussion of which could not properly be commenced at a very late hour. This state of things led to the appointment of a Committee, which sat in 1871, and considered the question very carefully. That Committee, which was composed of men of all parties, and included the Members who were admittedly best acquainted with the Business of the House, came to a conclusion which went a great deal further than the Resolution now submitted. By 15 votes against 4, it recommended that no fresh Opposed Business should be proceeded with after half-past 12 o'clock. The four dissentients differed from the other Members in so far only that they desired to make the hour 1, instead of half-past 12. At the instance of the late Prime Minister, the Resolution proposed by the Committee was modified, when it came to be discussed in the House of Commons, to the extent of exempting from

Mr. Assheton Cross

its operation all Money Bills, and of restricting its application to cases where Notice of opposition had been given in the Notice Paper. In that form, the Resolution was, in 1872, unanimously carried, and it worked exceedingly well. The following Session it was again adopted, this time not unanimously, but by 191 votes against 37. Last Session, on its being submitted for the third time, the hon. Member for Swansea, as he had before observed, succeeded in engrafting upon it an Amendment, exempting from its operation all Bills which had passed through Committee. Perhaps many hon. Members were hardly aware of the effect of that alteration. Whereas the Resolution in its former form put a stop to the commencement of discussion of opposed Bills after half-past 12 o'clock at four stages—namely, Second Reading, going into Committee, Third Reading, and Report—it now had that effect at two stages only. He was quite unable to understand on what principle the alteration was based. If there was any reason whatever for preventing fresh Opposed Business from being entered into after half-past 12, it was applicable as much at any one of the stages to which he had referred as at the others. No one could say that the Third Reading and the Report were unimportant stages. He would not detain the House further in proposing a Resolution which he had every reason to hope would be assented to. The practice of going on with new opposed legislation after half-past 12 at night was inconsistent with common sense, with the health of Members, and with the dignity of their proceedings. Practically, nothing that was said in the House after that hour was reported. It was no fault of the gentlemen who so well did their work in the gallery above that it was so, for it was well known that the newspapers had to be printed at an early hour of the morning, in order that they might be circulated all over the country. The hon. Gentleman concluded by moving his Resolution.

Mr. GOLDSMID said, he felt much pleasure in cordially seconding the Motion of his hon. Friend opposite, as he did last year. In the last Parliament they had seen what confusion prevailed when 40 or 50 Orders stood on the Business Paper, and hon. Members did not

know which of them would be proceeded with. The difficulty was felt to be so great that the House was compelled to adopt the Resolution which his hon. Friend had moved that night. The relief thus given enabled hon. Members not only to obtain a moderate amount of sleep, but spared them the necessity of having to take part in those unsatisfactory and even unseemly proceedings which many of them remembered to have occurred night after night. He was sure that the divisions which had been taken at the small hours of the morning, not in twos or threes, but in eights or tens, or more, did not conduce to the respect due to their deliberations, while the legislation passed by hon. and weary Members after half-past 12 could hardly be well-considered, or be likely to prove beneficial to the country. It would, therefore, contribute to the order as well as to the usefulness of their proceedings if they adopted a rule which had been found necessary and which had worked well. The form in which his hon. Friend had proposed the Resolution was the best one for the House to adopt, for the simple reason that they all knew many blots in a Bill often had to be corrected after it came out of Committee and when it was being considered on the Report. He believed that these words, which fell from the late Speaker, were well deserving of the attention of the House—namely—“It is better that there should be free discussion on all the subjects brought before this House than that there should be rapid legislation;” and he was satisfied that free discussion, fairly reported by the Press, would produce better results for the country than any amount of sleepy legislation after half-past 12 o'clock. He felt sure that if Members of the present Parliament could have seen what took place in the last Parliament they would cordially adopt the Motion.

Motion made, and Question proposed,

“That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called.”—(Mr. Heygate.)

MR. DILLWYN said, his hon. Friend said the only effect of the rule as to the Business of the House which he had moved would be to stop, if the House thought proper, the taking up of any new Business after half-past 12 o'clock. It would, he (Mr. Dillwyn) believed, do more than that; it would give to any hon. Member who was opposed to a Bill the power to prevent its further progress by simply giving Notice of a Motion against it upon the Paper. In one point he agreed with the Resolution—he did not think that new Business should be taken after half-past 12 o'clock; but when a Bill had made a certain amount of progress, and when the House had endorsed its principle, it might to a certain extent be considered the property of the House, and he did not think that any hon. Member should have the power to stop its further progress, as the Motion would do. If they adopted such a rule, they would have to sit later in the year. He now proposed to add to the Resolution the rider adopted last year—"Provided that this rule shall not apply to any Bill which has passed through Committee of the House," and his wish in making such a proposition was to get the whole of the business of the country done in a satisfactory manner; while, on the other hand, if the Resolution were passed in the form proposed the Business would, he thought, be carried out in a far from satisfactory manner. He last year, with the concurrence, and he might almost say the suggestion of the Prime Minister, had succeeded in carrying that rider, and it had, he believed, worked highly satisfactory, and therefore he trusted it would still remain on the Orders of the House. With that object in view, he begged to move the Amendment of which he had given Notice. If some such restrictions were not adopted this year, the result, he was afraid, would be that the House would be compelled to sit until September instead of adjourning in August, as he for one desired to do.

SIR FRANCIS GOLDSMID said, he seconded the Amendment, as being necessary to give private Members a fair chance of proceeding with measures which they had introduced into the House. He disclaimed having any personal interest in the matter, because not having had the honour of a seat in the House until after the age of 50, he had from the first determined not to embark

in so arduous an enterprise as that of bringing forward any Bill. But although he did not belong to the class he could see their hardships, and he wished to ask in what position would the proposal of the hon. Member for Leicestershire (Mr. Heygate) place those Members without the addition suggested by his hon. Friend? Even when the Bills of such Members had struggled against long odds through all the previous stages and passed through Committee, it would be in the power of any hon. Member to prevent the passing of the Bill by simply placing a Notice of opposition on the Paper. The whole of the previous labour and consideration might in that way at the close of the Session be thrown away. He hoped the addition would be agreed to.

Amendment proposed,

To add, at the end of the Question, the words "Provided that this rule shall not apply to any Bill which has passed through Committee of the House."—(Mr. Dillwyn.)

Question proposed, "That those words be there added."

MR. BERESFORD HOPE said, the hon. and learned Baronet the Member for Reading (Sir Francis Goldsmid) had appealed to the House as if the proposal of the hon. Member for Leicestershire (Mr. Heygate) was an innovation. The fact was that the proposition of the hon. Member for Swansea (Mr. Dillwyn) was the innovation, considering that the original proposition had been carried by both sides of the House, and acted upon for several Sessions. He believed that if the hon. and learned Baronet had had as much Parliamentary experience as himself he would have taken a different view of the means at the disposal of private Members to push their Bills. The question, which was debated on the supposed rights and wrongs of private Members, was really whether or not the whole comfort, decency, and dignity of Parliamentary legislation should be sacrificed to the possibility of a step or two more being taken with measures which everybody knew had no chance of becoming law. At present that useful institution, the Wednesday, gave every private Member the most ample opportunity, without let or hindrance, of preaching his sermon and expounding his scheme. Some of these measures, by a process of "natural selection,"

commended themselves to hon. Members generally, and when that was the case they were either directly or indirectly taken up by the Government, and little difficulty was found in passing them, particularly now, when the barriers of partizanship were so broken down, and when measures intended to benefit the people were sure to meet with a favourable reception on both sides of the House. A measure of that kind would be passed, if not in one Session, at any rate in the succeeding one. Then there were Bills which might be classified as the idiosyncracies of single Members of the House, or of small cliques. The individuals or bodies who had charge of such measures were among the greatest tyrants known to the House, for by persistently pushing their Bills forward at any and all hours they might possibly commit the House to some absurd or extravagant proposition. They knew their Bills could not become law, but, in defiance of common sense, they persisted in their courses, and because one man or a few men were obstinate, some 50 or 100 others had to remain in the House until late or rather early hours in order to prevent useless and, perhaps, hurtful measures slipping through. That was a state of things which would not be tolerated in any country other than England. It certainly would not in France, where in the crisis of a revolution the National Assembly could go on meeting at 2 o'clock in order to catch the 5 o'clock dinner train from Versailles to Paris. He did not recommend that as an example, but, in the face of the fact that many hon. Members were engaged in Committees from noon until the sitting of the House, he thought common sense ought to convince reasonable men that from noon till 4, and from 4 till half-past 12 was a sufficiently long sederunt, or, at any rate, was a period at which the House could claim to have reached an hour when the class of Business to be proceeded with during the rest of the night should be regulated. It must be remembered that it did not stop current questions, and that money Bills, the large category of Bills in Committee, and all as yet unopposed Business were excepted from the proposal before the House, which in fact only suggested that a selection should be made at half-past 12 out of the various classes of measures still to be considered. The proposal now made was adopted on the re-

commendation of one of the strongest Committees ever appointed in that House, and was approved by the late Lord Ossington—who was for some time Speaker of the House, and whose memory hon. Members all so deeply respected; it had been shaped as now proposed by the late Prime Minister—a man who never spared himself or anyone else when it was a question of work; and it had had the effect of lifting the House out of the barbarism of four or five Sessions ago into a state of comparative civilization. No one who had taken part in the persistent divisions, sometimes lasting on into the daylight of the summer mornings, in order to defeat useless and harmful measures, could help feeling something of shame for the part he took, but under the weak and defective system then in existence no other course was open. He hoped the House, therefore, would give a further trial to the new system which had worked well up to the present time.

Mr. WHALLEY said, that when the report of that debate was read, the public would feel some surprise that no explanation was given of why it was that the House adopted a method of doing business which was totally without precedent. He therefore hoped some Member of the Government would explain the reasons which existed, if there were any, for transacting Parliamentary business during hours which were not adopted in the Legislative Assemblies of other countries, and which were altogether different from those devoted to other businesses in this country. The effect of the present system was disadvantageous to independent Members, but convenient for the Government, and that he supposed was the reason why the system had grown up and been perpetuated.

SIR THOMAS CHAMBERS thought people out-of-doors did not care much at what hours business was transacted, provided it was transacted. He should vote against the Amendment of the hon. Member for Swansea, that he might also vote against the original Motion. He should do so on the ground that the obvious result of passing either of them would be to prevent unofficial Members from carrying measures in that House. The hon. Member for Swansea himself acknowledged that his Motion was an invasion of the rights of private Members; and if it were to be adopted it

should be in the shape of a Standing Order, and not by a mere Resolution of the House proposed by an individual Member. The most important business transacted by the House for many years had been transacted after half-past 12. The greatest speeches had been delivered after half-past 12, and as an ordinary rule the House was fuller at half-past 12 than at any other time, except, perhaps, when an interesting question was brought on at 5 o'clock in the afternoon. He would suggest, as a means of saving time, that the number of speakers be divided by three, and that their speeches be similarly reduced. If the Motion were carried without the Amendment, it would be impossible for an unofficial Member to carry a measure through its final stage, although the House might have approved it on the second reading, and have thoroughly discussed its clauses in Committee.

THE MARQUESS OF HARTINGTON said, he was of opinion that there might be some advantage in the observance of uniformity and consistency in the proceedings. He, therefore, thought the proposed Amendment would effect a very reasonable compromise between the views held by different Members upon the subject. No doubt, the opinion of an overwhelming majority of the House was that opposed measures should not be taken after half-past 12. That he quite admitted; but the new rule had been diverted from its original object, and in the hands of some hon. Members had been the means of successfully opposing Bills which otherwise would not have met with any serious opposition. It was quite obvious that although a Member might not have much to say against a measure, he might very effectually oppose it simply by putting on the Paper a Notice of his opposition to it. When a Bill had passed the important stages of Second Reading and Committee, he thought the rule suggested by the hon. Member for Swansea should be acted upon. It was somewhat unreasonable that one solitary Member should stop a Bill on its final stage, simply by giving notice of opposition, and he trusted the right hon. Gentleman at the head of the Government would assent to the Amendment of the hon. Member for Swansea, and stand by the rule of which he had himself approved last Session, and which had been adopted by a large majority of the House.

Sir Thomas Chambers

MR. DISRAELI said, that if he stood by the rule he had always advocated he would not be in favour of the Amendment. He was a Member of the Committee on Public Business to which allusion had been made, and supported the principle that no new Business should be brought on after half-past 12—indeed, he was not quite sure that he did not originate the Motion himself. He thought the principle was a sound one, though in practice it might have been abused. He was not aware that it had been abused; but the same objection applied to any other arrangement that might be made in an Assembly like the present. The principle had been acknowledged to be sound by the noble Lord the Leader of the Opposition, and it was the general feeling of the House that it was right. In all matters of this kind he (Mr. Disraeli) would consult the feelings of the House. There were no political or moral principles involved in the arrangement, and, therefore, on a question as to the management of their business, he thought the Government, as far as they could, ought to adopt the opinion of the majority of the House. Last year the Notice of Motion was brought forward by the hon. Member for Leicestershire under novel circumstances. A change of Government had taken place, and the conduct of Public Business involved different feelings on the part of hon. Members on the Treasury Bench to those which they had in Opposition. He was then of opinion that it would be better to modify the Motion, and that a trial ought to be given to the modification proposed by the hon. Member for Swansea. He could not say that he was satisfied with the working of the modified principle, for, in point of fact, it had never come into practice. Beyond that, he had become acquainted with the existence of a considerable amount of dissatisfaction among hon. Members who wished for a recurrence to the old rule, and he thought the modification of the rule would be rather an advantage to the Government, and was influenced by that consideration in agreeing to it. It did not signify much, he thought, whether the Motion was carried with or without the addendum. He did not think it would affect the length of the Session 48 hours. He had, however, come to the conclusion that the Motion of the hon. Member for Leicestershire was most in accordance

with the wishes of Members, and therefore he should support it.

Question put.

The House *divided* :—Ayes 49; Noes 91: Majority 42.

Main Question put, and *agreed to*.

Resolved, That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called.

OPEN SPACES (METROPOLIS) BILL, LEAVE. FIRST READING.

MR. WHALLEY moved for leave to bring in a Bill—

“for affording facilities for vesting in the Metropolitan Board of Works, open spaces, gardens, and squares within the Metropolitan District for the exercise and recreation of the public; and to empower owners or joint owners or a majority thereof, to enter into arrangements with the Metropolitan Board of Works in relation thereto.”

SIR WILLIAM FRASER asked for some explanation as to the object of the Bill. He believed it was similar to a measure which was introduced by the hon. Member during the last hours of the last Session. Judging from the title, it appeared to be one of the most comprehensive measures ever brought before Parliament; and he for one objected to such great powers being placed in the hands of the Metropolitan Board of Works. If, instead of vesting the open spaces in the Metropolitan Board of Works, they were vested in the Government, as having control of the police, much better order would be maintained. St. James's Park, for instance, was infested with the refuse of the Metropolis, so many filthy people lying about in all directions, that it had been called a dirty caricature of a battle-field.

MR. WHALLEY said, that since last Session, when his Bill was printed, he had consulted those who might be supposed to be primarily interested in the matter, the owners of property around the open spaces, and he had every reason to believe that the Bill would be likely to operate most beneficially. The object of the Bill was simply to give a certain majority, say two-thirds of the owners or joint owners of property adjacent to the squares and open spaces, an oppor-

tunity of having these places, not perhaps like Leicester Square, placed on particular days, or on certain hours at the service of the inhabitants. Many of the squares of London, which were almost a scandal and an eyesore, would become, if given up to the people, sources of enjoyment and recreation, and much moral good would consequently be effected. The experiment had been tried at the Temple Gardens, and with the most remarkable success. When people visited these breathing-places, they kept themselves and their children clean, having to mix with a better class of society, and the moral benefit resulting to poor persons was incalculable.

Motion agreed to.

Bill *ordered* to be brought in by MR. WHALLEY and SIR GEORGE BOWYER.

Bill *presented*, and read the first time.
—[Bill 50.]

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Standing Committee *appointed*, “to control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Serjeant at Arms attending this House:”—MR. ADAM, MR. DICK, MR. DYKE, MR. EDWARDS, MR. GOLDNEY, Captain HATTEY, LORD KENSINGTON, MR. MUNTZ, MR. STACPOOLE, and SIR HENRY WOLFF:—Three to be the quorum.

PRINTING.

Select Committee *appointed*, “to assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing, Returns and Papers presented in pursuance of Motions made by Members of this House:”—MR. SPENCER WALPOLE, MR. HENLEY, MR. CHANCELLOR of the EXCHEQUER, THE O'CONOR DON, MR. HUNT, MR. STANSFELD, MR. SCLATER-BOOTH, MR. DODSON, MR. MASSEY, MR. WHITBREAD, and MR. WILLIAM HENRY SMITH:—Three to be the quorum.

PUBLIC PETITIONS.

Ordered, That a Select Committee be appointed to whom shall be referred all Petitions presented to the House, with the exception of such as relate to Private Bills; and that such Committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that such Reports do in all cases set forth the number of Signatures to each Petition:—And that such Committee have power to direct the printing *in extenso* of such Petitions, or of such parts of Petitions, as shall appear to require it:—And that such Committee have power to report their opinion and observations thereupon to the House:—Sir

CHARLES FORSTER, Mr. KAY-SHUTTLEWORTH, The O'DONOGHUE, Mr. O'CONOR, Mr. M'LAGAN, Earl DE GREY, Mr. KINNAIRD, Lord ARTHUR RUSSELL, Mr. WILLIAM ORMSBY GORE, Mr. CAVENDISH BENTINCK, Mr. REGINALD YORKE, Sir CHARLES RUSSELL, Mr. SANDFORD, Mr. SIMONDS, and Viscount CRICHTON:—That Three be the quorum.

TRIBUNALS OF COMMERCE BILL.

On Motion of Mr. WHITWELL, Bill for the establishment of Tribunals of Commerce, *ordered* to be brought in by Mr. WHITWELL, Mr. SAMPSON LLOYD, and Mr. RIPLEY.

Bill *presented*, and read the first time. [Bill 42.]

INFANTICIDE BILL.

On Motion of Mr. CHARLEY, Bill to amend the Law relating to Infanticide, *ordered* to be brought in by Mr. CHARLEY and Mr. WHITWELL.

Bill *presented*, and read the first time. [Bill 43.]

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

On Motion of Sir THOMAS CHAMBERS, Bill to legalize Marriage with a Deceased Wife's Sister, *ordered* to be brought in by Sir THOMAS CHAMBERS, Mr. MORLEY, Mr. BURT, and Mr. MACDONALD.

Bill *presented*, and read the first time. [Bill 44.]

OFFENCES AGAINST THE PERSON BILL.

On Motion of Mr. CHARLEY, Bill to amend the Law relating to Offences against the Person, *ordered* to be brought in by Mr. CHARLEY and Mr. WHITWELL.

Bill *presented*, and read the first time. [Bill 45.]

LEGAL PRACTITIONERS BILL.

On Motion of Mr. CHARLEY, Bill to amend the Law relating to Legal Practitioners, *ordered* to be brought in by Mr. CHARLEY and Mr. WILLIAM GORDON.

Bill *presented*, and read the first time. [Bill 46.]

GLEBE LANDS, CORPORATE BODIES (IRELAND) BILL.

On Motion of Mr. MULHOLLAND, Bill to enable certain corporate bodies to hold lands for Glebes in Ireland, *ordered* to be brought in by Mr. MULHOLLAND, Mr. BRUEN, and Viscount CRICHTON.

Bill *presented*, and read the first time. [Bill 47.]

EPPING FOREST BILL.

On Motion of Lord HENRY LENNOX, Bill to extend the time for the Epping Forest Commissioners to make their final Report, *ordered* to be brought in by Lord HENRY LENNOX and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 52.]

POOR LAW GUARDIANS (IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to provide that in cases of a poll at an election for Poor Law Guardians in Ireland the votes

shall be taken by Ballot, *ordered* to be brought in by Sir COLMAN O'LOGHLEN, The O'CONOR DON, and Mr. CALLAN.

Bill *presented*, and read the first time. [Bill 48.]

PARLIAMENTARY ELECTIONS (VALIDITY OF VOTES) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to remove doubts as to the Validity of Votes given at a Parliamentary Election to a candidate alleged to have been guilty of corrupt practices, and thereby disqualified from sitting in Parliament, *ordered* to be brought in by Sir COLMAN O'LOGHLEN, Lord FRANCIS CONYNGHAM, and Captain NOLAN.

Bill *presented*, and read the first time. [Bill 49.]

COUNTY BOARDS (IRELAND) BILL.

On Motion of Captain NOLAN, Bill to establish Elective County Boards in Ireland, *ordered* to be brought in by Captain NOLAN, Mr. FAY, and Mr. O'CLERY.

Bill *presented*, and read the first time. [Bill 51.]

House adjourned at Ten o'clock till Thursday.

HOUSE OF LORDS,

Thursday, 11th February, 1875.

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 11th February, 1875.

MINUTES.]—SELECT COMMITTEE—Standing Orders, *nominated*; Committee of Selection, *nominated*.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—International Copyright * [56].

Ordered—Municipal Elections *.

Ordered—First Reading—Public Works Loan Acts Consolidation * [54]; Public Works Loan Acts Amendment * [53]; Public Health * [55]; Local Government (Ireland) * [58]; Poor Removal * [59]; Allotments Extension * [57]; Foreign Loans Registration * [60]; Municipality of London * [61].

PARLIAMENT—CASHEL AND SLIGO. QUESTION.

SIR COLMAN O'LOGHLEN asked the Chief Secretary for Ireland, If it is

the intention of Her Majesty's Government to introduce a Bill, this Session, to fill up the vacancies in the representation of Ireland caused by the disfranchisement of the boroughs of Cashel and Sligo?

SIR MICHAEL HICKS-BEACH: We have no present intention of introducing a Bill to fill up the vacancies in question. I do not wish to underrate the importance of filling up vacancies in the representation of Ireland; but it must be remembered that there are several vacancies in the English representation from the same causes as that to which Cashel and Sligo owe their disfranchisement; and when the necessity may arise, it would appear to be advisable to deal with the subject as a whole.

**CATTLE DISEASE (IRELAND).
PLEURO-PNEUMONIA—COMPULSORY
SLAUGHTER.—QUESTION.**

MR. J. W. BARCLAY asked the Chief Secretary for Ireland, Whether the Irish Government intend to make compulsory as in England and Scotland the slaughter of animals affected with pleuro-pneumonia?

SIR MICHAEL HICKS-BEACH: Last Session, in reply to a Motion made by the hon. Member, I pointed out the difficulties which led the Irish Government to consider it unadvisable to extend to Ireland the regulations relating to compulsory slaughter for pleuro-pneumonia in force in Great Britain. We see no reason at present to alter the decision then arrived at; and I may add that inquiries which during the autumn were made by the Irish Veterinary Department into certain cases in which it was alleged that this disease had been introduced into Great Britain by Irish stock, proved that in those instances the reports were without foundation.

MR. J. W. BARCLAY suggested that the Reports referred to should be laid upon the Table of the House.

POST OFFICE—MAILS BETWEEN SCOTLAND AND IRELAND.—QUESTION.

MR. ANDERSON asked the Postmaster General, The reason for the change of route in a large part of the Mails between Scotland and Ireland on 1st February; to what part of the two countries the change applies; whether

it will expedite the conveyance of letters; and, whether the department is to gain or to lose money by the change?

LORD JOHN MANNERS, in reply, said, that the change had been made in order to expedite the conveyance of letters between the North of Ireland and certain towns and districts in the South of Scotland and North of England; and that, as in past experience, any increase of postal facilities had tended to increase the amount of correspondence, he had very great reason, in the present case, to hope that eventually there would be a benefit instead of a loss to the revenue.

MR. ANDERSON gave Notice that as the noble Lord's Answer did not accurately inform the House of the whole circumstances of the case, he would move for Papers on the subject.

**IRELAND—SALARIES OF PETTY
SESSIONS CLERKS.—QUESTION.**

MR. FRENCH asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government, in view of the admission made last Session as to the inadequacy of the salaries of Petty Sessions Clerks in Ireland, to introduce any measure during the present Session for the increase of those salaries?

SIR MICHAEL HICKS-BEACH: I have no intention of bringing in any measure with reference to the salaries of petty sessions clerks in Ireland; but the subject has engaged my attention during the Recess, and I hope by an improved application of the income derived from the "Fines Fund" to effect a material improvement in the salaries of those who most require it.

**POOR LAW (IRELAND)—SYSTEM OF
RATING.—QUESTION.**

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, If it is the intention of Her Majesty's Government to introduce during the present Session a measure to substitute, wholly or partially, Union Rating for the present divisional system of Poor-Law Rating in Ireland?

SIR MICHAEL HICKS-BEACH: When the hon. Member for Limerick brought this question before the House last Session, I undertook to consider it during the Recess, and to endeavour to propose this year, some solution which, without leading to extravagant expenditure, might afford relief to heavily-

rated electoral divisions. I have since made a very careful inquiry into the subject, and the result is that I think what is necessary may be effected in a better way than by Union rating, which, therefore, I do not intend to propose for adoption by the House. It was impossible to consider the area for Poor-Law taxation, without at the same time looking forward to the wider and more difficult subject of Grand Jury reform and the management and collection of county and baronial cess. I have now in preparation a measure dealing with the whole subject, in which will be included the adoption of a new area for purposes of local government and taxation, small enough to guard against the danger of extravagance, and sufficiently large to afford relief in Poor-Law taxation to the electoral divisions that require it.

IRELAND—IRISH PHARMACEUTICAL
SOCIETY—GRAND JURY SYSTEM.

QUESTIONS.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether, in accordance with the recommendations of the Select Committee on the Apothecaries Licenses Bill, it is his intention to introduce this Session a Bill for the establishment of a Pharmaceutical Society in Ireland; also, whether the hope he held out last year, that he would, during the present Session, introduce a Bill for the reform of the Grand Jury system in Ireland is likely to be realized?

SIR MICHAEL HICKS-BEACH: I have not overlooked the recommendations of the Select Committee to which the hon. Member refers, and I hope to be able to deal with it and the other subject referred to, during the present Session, if larger matters, such as that to which I have just alluded, leave me time to do so.

SLAVERY ON THE GOLD COAST.

QUESTION.

MR. W. CARTWRIGHT asked the Under Secretary of State for the Colonies, When Papers will be presented in reference to recent transactions on the Gold Coast Settlement between Governor Strahan and the Native Chiefs for the suppression of slavery in the British Protectorate?

Sir Michael Hicks-Beach

MR. J. LOWTHER: Sir, Papers in reference to the subject referred to in the Question of the hon. Member were laid upon the Table on Tuesday last, and I hope will all be in the hands of hon. Members in the course of a day or two, if they have not already been delivered. They contain the memorials of the Kings and Chiefs, together with Governor Strahan's explanations and observations thereupon.

EXPLOSIVE SUBSTANCES—LEGISLA-
TION.—QUESTION.

MR. WHITWELL asked the Secretary of State for the Home Department, If it is the intention of the Government to introduce a Bill this Session for the control of the manufacture and transport of explosive substances; and, if so, whether he contemplates the early introduction of the measure?

MR. ASSHETON CROSS, in reply, said, it was the intention of Her Majesty's Government to introduce such a measure. It had already been prepared, and he hoped to be able on an early day to lay it on the Table of the House.

IRELAND—IRISH CONVICT SERVICE—
MOUNTJOY FEMALE PRISON.

QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If there be any objection to his stating upon what grounds the deputy matron of Mountjoy Female Prison has been called upon to retire from the Irish Convict Service; and, whether it is true that the deputy matron in question was at first called upon to resign on medical grounds, and informed that the medical officers would examine her for the necessary report in such case, but that on the medical officers' report declaring her "fit for the full and efficient discharge of her office," a new ground of action was taken against her, and notification made of her absolute removal, without investigation or appeal, for not having more frequently made reports and complaints against her subordinates?

SIR MICHAEL HICKS-BEACH: In August and September last, there were very serious disturbances among the convicts in Mountjoy Female Prison, for which not a single convict was reported; and, upon inquiry, much laxity

was discovered to exist among the discipline officers, and it appeared that the deputy matron, from her position and duty, must have been specially culpable in previously neglecting to report circumstances which must have come under her notice. For these reasons, to put a stop to a state of things which may be described as one of open insubordination, it was considered necessary that the deputy matron should be replaced by an active and efficient prison officer. She was not called upon to resign upon medical grounds, but it was desired to treat her with all possible consideration, on account of her length of service; and the medical officers examined her that she might receive the benefit of any doubt which might exist as to her being unable from natural causes to perform her duty.

MR. SULLIVAN intimated that he would move for correspondence on the subject.

PUBLIC WORKS LOAN ACTS CONSOLIDATION BILL.

PUBLIC WORKS LOANS ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have given Notice that I intend to ask for leave to introduce two Bills, the one to consolidate the Acts relating to Loans for Public Works, and the other to amend the same Acts. With regard to the first of these Bills, which is simply a Consolidation Bill, it is quite ready, and if the House should give me leave to introduce it, it can be circulated almost immediately. But with respect to the second, or the amending Bill, although the main principles on which it is to proceed are settled, and the Bill itself is in type, yet there are one or two points in it which still require consideration, and I shall not be able to put it in circulation immediately. It might, therefore, have seemed more proper that I should have waited a short time before moving for leave to introduce it. But I am induced to take the earliest opportunity of bringing it under the notice of the House, for this, among other reasons—that it is one of the measures to which my right hon. Friend at the head of the Government referred in the discussion on the Address, as measures which touch the question of local taxation; and, as being also rather im-

portant as laying the foundation for measures connected with local taxation. I therefore think it desirable the Bill should be brought under the notice of the House as early as possible. An impression appears to have got abroad in some quarters that, because no mention was made in the Speech from the Throne of the subject of local taxation, the Government have somewhat lost sight of that great question, and that their former zeal in respect to it has grown cold. But such an impression would be entirely unfounded. It is simply impossible that we can lose sight of this question, because it is a question which we run against in almost every one of the measures that we have to consider, and which we propose to introduce for improving administration of any kind in the country. We cannot bring forward a Bill for dealing with such a question as artisans dwellings, or for the consolidation of the sanitary laws, or any other Bill involving questions of social improvement, without in some shape or other having to consider how the measures proposed to be introduced affect, and are affected by, our system of local taxation. But we are taunted in some quarters with not coming forward and proposing some very large measure for the re-construction of the local administration of the country. Now, with regard to that, I would say that I am not aware that any Member of Her Majesty's Government has at any time ever expressed any intention of proposing any such measure, or has expressed himself in favour of dealing with the question upon those principles. I am quite aware that the late Government, when they were pressed on questions of local taxation, were generally ready to come forward with this answer—"You must wait—before we can do anything for the improvement of local taxation—until you have re-cast and improved your system of local administration." That was their doctrine, and I am not disposed to enter into any discussion as to their right to put it forward; but it has never been a doctrine advocated by us, and I frankly say it is a doctrine that we do not adopt. It has appeared to us that if we were to come forward with professions that we were about to introduce some great scheme for re-organizing the whole of the local constitution of the country, although we might create some sensation,

and perhaps obtain credit for ingenuity in the scheme we proposed, we should not be furthering, but rather hindering, the great objects which we have in view; because we believe that, however you might lay down principles for a new constitution, you would find it very difficult indeed to bring about a scheme which would be passed by Parliament, or which, if passed by Parliament, would be found workable in the country. There are abundant constitutions which have been improvised. The public Press, the speeches of hon. Members of this House, and various other repositories of information teem with them as the bureaux of Abbé Sieyès teemed with constitutions for the French Republic. But if, in the present complicated state of the local institutions of this country, you were to bring forward and try to enforce a cut-and-dry new constitution, you would find that you had raised up an enormous host of difficulties which you would have to contend with, and you would really be retarding, not advancing, the great cause of local reform. While, however, I say that, let me add that we are conscious as anybody can be of the need of reforms in local administration and local taxation; that we do not abandon the hope that we may be able to introduce such reforms, but that we think the best and most advantageous way of introducing them is to do so gradually, by endeavouring to amend the system we have, by endeavouring to cure the defects we observe in it, and, above all, by endeavouring to let in as much light as possible into the inconveniences with which it abounds. We believe that if by degrees we can bring before the notice of the country in a practical and tangible form—if we can bring both before Parliament and the local constituencies themselves—the inconveniences and abuses which attach to the present system, we shall find that by degrees, and not by very slow degrees, we shall effect important modifications and improvements of that system. Now, one of the very first means which we think might be adopted with advantage to bring about those reforms would be the introduction of something in the nature of an annual local budget. We are strongly convinced that the attention of the country is not sufficiently drawn to the administration of local finance. The attention of Parliament itself, and that of the various

local bodies which administer the local finances of the country, is not sufficiently drawn to the progress of rating, the progress of expenditure, and, above all, I may say, the progress of the contraction of debt. With reference to this point, I observed in a very able pamphlet, or rather in the re-production of some letters published in the course of the autumn by the hon. Member for Liverpool (Mr. Rathbone)—whom I am sorry not to see in his place opposite—a passage on this subject which I will read to the House, and which, I venture to think, confirms the statement I have made. The hon. Gentleman says—

“While the attention of the nation is annually concentrated on the total amount and on the items of Imperial taxation, the particulars of local finance are known only to a few statisticians. The vast amounts expended and the extent of the loans contracted by these various local bodies throughout the country could not otherwise have escaped notice. The fact is that, while the future resources of the country are being heavily mortgaged for these debts, the attention given by men of property and of business to the manner and limits of this immense expenditure is constantly diminishing.”

I believe that these are very true observations, and that they point to an evil with which we ought to attempt to grapple. I do not intend to trouble the House with any great amount of statistics on this matter. The Returns some years ago moved for by the right hon. Gentleman the Member for the City of London (Mr. Goschen) threw a great deal of light on the subject; and other Returns are in course of preparation, and will shortly be presented, which will throw still further light upon it, because they will give us the total indebtedness of all the local bodies throughout the country, and they will show not only what is the amount of their indebtedness, but for what periods it has been contracted, from whom the money has been borrowed, and at what rate of interest it has been advanced, with other particulars. But I may mention generally that I believe it will be found that the amount of local indebtedness at the present time is somewhere about £72,000,000, and that it is advancing, on the whole, at the rate of something like £3,000,000 a-year. That large local indebtedness is going on with very little control on the part of anybody. Some bodies are borrowing, it may be, for sanitary purposes, while others in the same locality

The Chancellor of the Exchequer

are borrowing for other purposes, such as building, highway purposes, &c.; and, in fact, numerous loans are contracted by different local bodies which are really independent the one of the other. These loans, I repeat, are effected without the consent or control, and often even the knowledge, of the various local constituencies concerned; the attention of the ratepayers whose property is being burdened is not called to the amount of the charge which is thus being imposed upon it. Then there is very little central control. There is, indeed, a certain power vested in the Treasury, in some cases, of exercising a control over the sums borrowed by mortgaging the property, or by mortgaging the rates of corporations or municipal bodies. But control is by no means exercised in every case; it cannot be exercised very effectively; and it is constantly defeated by the passing of personal or private Acts, which give these bodies the power of borrowing without coming under the notice of the Treasury at all. There certainly are some powers given to the Local Government Board, but those powers are by no means effective; and as to the notice taken by Parliament on the subject, it really amounts to next to nothing. If it were not for the energy and the scrupulous fidelity with which Lord Redesdale in the other House watches private Bills, probably a great deal more would be done in the way of creating local charges upon property than is done. But still considerable charges of this character are frequently being imposed on corporate and municipal property, practically without any control on the part of anyone. What the Government desire, therefore, to do, is to bring under the notice of Parliament the progress of this local indebtedness, and in such a way as to give Parliament some real interest in the matter, and induce them to take effective steps with regard to it. We propose to take steps for the introduction of something in the nature of what I have called a local budget; but we do not think it should be a local budget like the Indian Budget, which is merely laid before the House as a matter of information upon which nothing is to be done, and which attracts comparatively little notice when introduced towards the end of the Session. What we wish is, to see whether we can devise some system by

which the attention of Parliament may necessarily be directed to the practical end in view—to the progress of local income, expenditure, and indebtedness at a reasonable time. Important as the matter is already, it is becoming more and more important every day; because as we go further in the direction of calling on local bodies to undertake this or that great measure, greater burdens are imposed upon them, and they are necessarily driven to incur a greater amount of debt. Those new Acts which we pass with regard to sanitary improvements, such Bills as that of my right hon. Friend the Secretary for the Home Department with reference to the dwellings of our artisans, measures dealing with education and other subjects, all tend in the same direction. And now, before I pursue that branch of the question further, I wish to draw the attention of the House to another subject which is closely connected with it, and which ought to be taken into consideration from an Imperial and also from a Treasury point of view—I allude to the way in which we deal with what is called the Public Works Loan Fund. The House is, no doubt, generally acquainted with the character of that fund, though I must confess I find a good deal of ignorance prevails with reference to it in quarters which ought to be better informed. The state of the case is this—There has been in existence now for between 50 and 60 years a system of some kind for the advance through the agency of Commissioners of public money to local bodies. I will not go back so far as 1792, when the first system of public loans began, but only to the period when the present system and its immediate predecessor sprang into being, which was in 1817. At that time the system was inaugurated of issuing, through the agency of Commissioners, Exchequer bills for the purposes of the prosecution of public works. That system went on until 1842, when it was modified, the system of granting Exchequer bills abandoned, and the system substituted for it of making advances directly from the Exchequer. The amount which by law the Public Works Loan Commissioners were authorized to draw from the Exchequer for that purpose was fixed at £300,000 a-year for the United Kingdom and £60,000 for Ireland. For the 30

years which have elapsed since that system was adopted, advances have been made under the authority and with the assistance of gentlemen to whom the country is most deeply indebted for the ability and self-sacrifice with which, without any reward or salary, they have given up their time to the discharge of their irksome and, at the same time, very important duties. My right hon. Friend the Member for the City of London (Mr. Hubbard), whose absence, I am sure, we all deeply regret to-night, my hon. Friend the Member for Peterborough (Mr. Hankey), and others have for many years given their time to the regulation of this fund, and have exercised the most commendable vigilance in the various advances which they have made. Through their hands a large sum of money has passed, and although it must be admitted there have been some losses incurred in connection with the advances which have been made to local bodies, yet very few, if any, are attributable to neglect or want of vigilance on the part of the Commissioners. The cases in which the least profitable loans have been made, and in which most losses have been incurred, have been those in which Parliament has for some reason or another itself interfered, and ordered money to be lent, overruling the discretion of these gentlemen. In many of those cases, the money advanced has not been repaid in full; but, nevertheless, the system has, on the whole, in most respects worked well. I know there is an impression in some quarters that it has worked well, not only for the borrowers, but also for the lenders—that it is a system which has, in fact, been twice blessed, and that we have made a good thing by lending to public bodies at a lower rate than they could borrow in the public market. I am afraid, however, that is not the case, and that on looking carefully into the accounts we shall find the net result of our operations is very far from being a financial success. Taking the whole period from 1792 into review, I believe I am very near the truth when I say that we have advanced a sum of £70,000,000 altogether, and of that we have received back or have owing to us as good debts about £67,000,000, so that there is a loss of £3,000,000. These repayments also include interest, so that we have lent £70,000,000 without receiving one farthing of interest,

The Chancellor of the Exchequer

and are still £3,000,000 out of pocket by the transaction. That statement spreads over the whole period of the public loans, and does not refer only to the advances by the Public Works Loan Commissioners, but includes advances directly made to Ireland, to the colonies, and all kinds of loans. Still, I think it will be found that even since the introduction of the improved system, our loans have not been so profitable as some suppose, and that, in fact, interest at the rate of $3\frac{1}{2}$ per cent is not only not profitable, but will land us in a loss. I observe there is a growing tendency in all directions to come to the Commissioners for advances from the fund. Of late years a good many special Acts of Parliament have been passed, and advantage has been taken of the Public Works loan system for the purpose of meeting particular demands which arise from time to time. Such demands are those which have been created by the Harbours and Passing Tolls Act, the recent Education Act, and the recent Sanitary Act, under which the Exchequer has been obliged to make advances of considerable amount at a rate of interest so low as to be on the whole unremunerative. In the case, indeed, of one body after another there is, I find, a general willingness to profit by it. The system has another disadvantage, which is a serious one in a departmental point of view. As I said just now, the law gives the Commissioners the right to draw on the Exchequer each year to the extent of £300,000 for the United Kingdom; but no funds are provided by any Vote of Parliament to meet that demand, it being presumed that the Exchequer will be able to bear the issue of that amount when called upon. It has, however, happened very often that the whole of the £300,000 thus issued is not used within the year, and whereas in every other branch of expenditure where a grant is made, as in the case of the Army and Navy, and the sum is not expended, the balance is not available for the next year, but a new grant has to be made over again, in the case of the Public Works Loan Commissioners, on the contrary, if in any year only £200,000 happens to be spent out of the £300,000 advanced, the result would be that they would have the next year a credit of £400,000 with the Exchequer, instead of only

£300,000, so that the credit goes on accumulating until, as I found last year when I came to inquire into the state of balances in the Exchequer, the Commissioners had an unexhausted credit against the Exchequer of no less than £800,000. Besides this unexhausted credit, the operation of the various Acts that from time to time have been passed, and to which I have referred, also exposes us to heavy demands being made upon us suddenly for advances to the Commissioners, and a very large amount might at any moment be required. When I say "might be required at any moment," I am almost literally within the facts, because, although it takes some time after the application has been made by the local body to get an advance from the Exchequer, and although time is taken for examining whether the local body has power to borrow, and whether its object is a good one, its security a good one, and so forth, all these inquiries take place at the office of the Local Government Board, or at that of the Public Works Loan Commissioners themselves, without any notice whatever being given to the Treasury; and therefore it frequently happens that an application for £100,000 or £150,000 comes in and has to be paid out of the Exchequer, however inconvenient the operation may be, in the course of 48 hours. I need not point out to those who consider the matter that such a proceeding is exceedingly inconvenient to the administration of the finances of the country and to the Money Market as well; because the result is that the Chancellor of the Exchequer can never tell what amount of balance he ought to keep ready against these possible emergencies. He can never tell when he may be called upon for money; and when a certain call is made upon him, and he has no funds in the Exchequer to meet it, he has no other means of supplying the demand than to go to the Money Market and raise the amount there at, perhaps, a highly inconvenient time, when the Bank-rate is 7 or 8, or even 10 per cent. Now, for the Chancellor of the Exchequer to go thus into the market is not only disagreeable to him, but may even be exceedingly detrimental to the interests of the country; and therefore it is quite clear that if this system is to go on, and continue growing, as

it seems likely to do, you must take some measures to bring about better regulations and have more timely notice given to the Department concerned of the calls likely to be made upon it. Well, I am sorry to detain the House by going into these dry matters; but I think it will be seen that it is a matter of really great importance, and I will now very briefly describe what are the objects of the Bill which we intend to introduce for the amendment of the system. The objects will be, in fact, three-fold—to give what I have called timely notice; to put an end to the system of carrying on unexhausted credit from one year's end to another; and to consolidate as far as possible the different loans that have to be demanded within each year. Well, these being the objects which we have in view, looking at this question from the financial side, the House will perceive that they tally very well with the objects which, as I said in the opening part of my remarks, we have in view looking at the question from the local taxation side, and that both objects will be served by the same process—that is to say, by bringing before the House at a convenient time of the year a statement of the amount that is likely to be required during the coming year for advances to the Public Works Loan Fund. We do not propose in any way to put an end to that fund; on the contrary, we hope to make it a more vigorous and more useful machine than it has hitherto been. We hope, by bringing the matter more immediately under the cognizance of Parliament, to relieve the gentlemen concerned in the administration of the fund of a good deal of embarrassment to which they ought not to be subjected. I will just mention one instance of what I mean. Under the Sanitary Act power is given to local bodies to borrow money from the Public Works Loan Fund for such objects as may be allowed by the Local Government Board. Well, when any local body wishes to borrow, it makes its application to the President of the Local Government Board, and if the Local Government Board certify that the object is a proper one, the local body go to the Public Works Loan Commissioners and ask for the money. But there have been many cases in which the Public Works Loan Commissioners have disputed the con-

struction put upon the Sanitary Act by the President of the Local Government Board. They have said—"This Act empowers you to give authority for loans for such and such purposes, but the purpose for which these gentlemen are coming, and which you have approved, does not seem to us to come within the range of the Act, and we think you have exceeded your authority." Then the Treasury is applied to; they say they have no authority in the matter. Nobody, in fact, can decide the point, and it is really a question between the firmness and the good nature of the gentlemen who act as Public Works Loan Commissioners. They, I am bound to say, are firm enough, and, having the command of the purse, they have generally got their own way; but they have done so with difficulty, and after battles which I think they ought not to have been called upon to fight. It will be better, therefore, that these matters should be settled by Parliament. We propose to include in these Bills certain regulations which, when passed by Parliament, will relieve the Public Works Loan Commissioners of the difficulty I have indicated. There is another administrative difficulty in the present state of things which I think is detrimental, or may be detrimental, to the public service, and it is this—the Public Works Loan Commissioners will sometimes make a loan at a high, or comparatively high rate of interest. There exists in certain cases, but not in all, power on the part of the Treasury to reduce that rate of interest. Now, very often there are gentlemen who come to the Treasury with very excellent objects, and say—"Will you request the Public Works Loan Commissioners to issue us a loan at 3½ per cent?" We say—"We have no power to do that; that rests entirely with the Commissioners." They go to the Commissioners; they get their loan, it may be at 5 per cent, and come to the Treasury and say—"We have got the loan at 5 per cent, but you have power to reduce the rate of interest. Will you do so?" Now, that is a power which it is not always expedient to exercise, and what I would point out is that there may be frequent cases during political crises and at other times when that power is capable of being abused. I do not say that it has ever been abused, but it is obviously capable

of being abused, and therefore it ought not to exist. In these matters I think we should as far as possible restrict the discretion of the Treasury, and lay down rules by the authority of Parliament, leaving the application of these rules to the gentlemen who have already shown themselves so capable of managing the Public Works Loan Fund. What, therefore, we propose to do is to call upon all public bodies who expect to have to borrow to send in to the Department concerned, at some convenient time beforehand, a statement of the amount of money they will require in the coming year. Generally speaking, it would be to the Local Government Board, but there will be some cases in which they will send to the Board of Trade or some other Department, and we should expect that in the early part of the Session such Departments should lay before the Treasury an estimate, like the estimates of the War Department or the Admiralty, of the sums likely to be required in the course of the coming year, and that the Chancellor of the Exchequer or the President of the Local Government Board, whichever it might be, should come before Parliament once a year to present that estimate, and to ask Parliament to pass a Bill for the year authorizing the advance of the money required for the purposes stated. That would afford opportunity for a statement in the nature of a local budget being made on the introduction of the Bill, and, in fact, Parliament would naturally expect and require that when a Minister came forward and stated that such and such sums were to be authorized to be advanced in the course of the next 12 months for such and such purposes, he should both state what had been done with the money granted the previous year, and what had been the general progress of the indebtedness of the different Departments. In this way he would be able to give interesting and valuable information upon the progress of the expenditure, and the increase or decrease that had taken place in the course of the year in different localities. He would also be afforded a very fair opportunity of bringing under the notice of the House any proposals he might have to make for improving the system of giving assistance to localities, or for economizing in any way the advances or the expen-

The Chancellor of the Exchequer

diture under certain heads. By that means I believe that, besides introducing a very valuable and almost essential reform in the financial system of the country, we should lay the foundation of measures which ultimately, and perhaps at no very distant day, would lead to a great improvement in our local system of administration. The right hon. Gentleman concluded by moving for leave to introduce the first of the Bills he had referred to.

Motion agreed to.

Bill to consolidate the Acts relating to Loans for Public Works, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 64.]

THE CHANCELLOR OF THE EXCHEQUER then moved for leave to introduce a Bill to amend the Act relating to Loans for Public Works.

Motion agreed to.

Bill to amend the Acts relating to Loans for Public Works, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 63.]

PUBLIC HEALTH BILL.

LEAVE. FIRST READING.

MR. SOLATER-BOTH, in moving for leave to bring in a Bill for consolidating and amending the Acts relating to Public Health in England, said, he should not detain the House long in recommending the Bill to a favourable reception, because the consolidation of the Sanitary Acts had been frequently suggested in both Houses of Parliament as an object desirable of accomplishment. The House might, however, fairly expect to be told why this particular moment was selected for the purpose, seeing that the great labour which the Bill involved must necessarily have interfered with the preparation of other measures which some hon. Members might think more urgent. The House ought also to be told to what extent this proposed consolidation was likely to go, and how much of the old statute law would be swept away in the event of the Bill being adopted. Those who were desirous to go into the whole history of the Sanitary Acts from the earliest times, would find ample information in the Report of the Royal

Sanitary Commission of 1869. This Report went back to the time of Henry VI. and Henry VII.; but for all practical purposes—certainly for the purpose of the consolidation now proposed—it was not necessary to go back further than 1846-8, and then to come on to the present day. The Public Health Act of 1848 was passed under the pressure of alarm with respect to the invasion of cholera, and it was called for by a very considerable pressure of public opinion that greater powers of local administration in a sanitary sense were required, especially in the urban and populous districts. Both before and since that time, there had been, in addition to the public Acts, innumerable private Acts, which had provided for many of the more important towns in the country sufficiently satisfactory sanitary provisions and regulations. From 1848 down to the present day, public attention had been continually more and more directed to the question, and efforts had been made from year to year to improve and facilitate the local administration of the country. Many of the Bills which had been passed had been permissive, and others had been partly permissive and partly compulsory. They had been drawn upon different models, and had approached the same subject-matter from different points of view. Some had for their object the removal of nuisances, others the establishment of local authorities, the construction of works, the borrowing of money, and the improvement of towns, while in all there had been frequently contained provisions which touched or conflicted with the provisions of other Bills. One great object of the present Bill was to amend and reconcile provisions in previous Acts which were apparently, if not really, in conflict. Since the Provisional Order system came into operation, there had been passed many Provisional Order Confirmation Bills, which, though ostensibly applying to particular cases, had comprised proposals of law which had been made applicable to the whole community. The Sanitary Commission, in their Report, stated that the number of existing Sanitary Acts, and the mode in which they had been framed, rendered the state of the sanitary law unusually complex. This complexity, continued the Report, had arisen from the progressive and ex-

perimental character of modern legislation, which had led to the constant enlargement and extension of existing Acts, without any attempt at re-construction or regard to arrangement. Further on, the Report stated the result of all this to be, that the law was frequently unknown, and even when studied, difficult to be understood. The time had come for a consolidation of the law on general principles. Since the time to which he was referring, the Public Health Act of 1872 had been passed—an Act which for the first time met the great difficulty of sanitary administration over the whole country by dividing the Kingdom into urban and rural sanitary districts. It was felt at the time to be impossible to introduce into the Bill provisions to consolidate the law. The object of the measure was rather to apply the then existing law. Two years' experience of the working of that Act showed the necessity of making further amendments, in order to secure the due operation of the law, and, in consequence, he introduced, and Parliament passed, in last Session, a further amending Act. He was very much indebted to the indulgence of the House for passing what must have seemed to most hon. Members a very difficult, obscure, and incomprehensible Act, every clause of which was more or less of an amending clause, applying not merely to the principal Act, but also to the other Sanitary Acts which he was about to ask leave to amend. It would have been almost impossible to work the Public Health Act of 1872, if a digest had not been prepared by the officials of the Local Government Board and freely circulated among the local authorities who were charged with the duty of carrying out the provisions of the Act. It might be asked why these digests had not been carried further, so as to bring the law down to the present moment, and that would be a proper criticism, if it were not the case that as far as the Government could see, there was no further need for fresh legislation upon the subject. Her Majesty's Government felt that the time had come when it was incumbent upon Parliament to reconcile the Act of last Session with the Acts it more immediately amended, and it seemed almost impossible to do that without making a complete sweep of the 29 sanitary statutes which had been

passed since 1846, with the exception of some few clauses contained in five or six of the measures. These few clauses would be dealt with in a future year, and in a measure which, though of much smaller compass, would still possess a comprehensive character. It was proposed to consolidate in this Bill the Public Health Acts of 1848, 1858, and 1872; the Sanitary Acts of 1866, 1868, and 1870; the Nuisance Removal Acts; the Local Government Acts from 1858; the Sewage Utilization Acts; the Towns Improvement Acts, and many others; and therefore he asked the House to allow the consolidated clauses to pass without much discussion and without opposition, and take them on the responsibility of his Department; and with regard to clauses where the construction was doubtful, and the provisions of law were in apparent conflict, he should make known to the House the grounds upon which the decision of the Government had been based, and ask the opinion of the House upon it. So much for the consolidation. He would now state the points on which he proposed to amend the existing Acts. It was proposed to add a provision as to the construction of sewers, which would enable expense to be avoided in certain cases. It was also intended to provide that local authorities should be empowered to obtain Provisional Orders under the Gas and Water Facilities Act; but this would not involve any question of competition with private companies, nor would it involve any compulsory action beyond what the Gas and Water Bills already contained. There would also be added to the existing power to provide mortuaries, a power to compel their provision in certain cases. There would also be an explanation or definition of that part of the Nuisances Act which related to the over-crowding of dwelling-houses, to the effect that a dwelling-house might be dealt with as over-crowded to such an extent as to constitute a nuisance, even though its occupants were all members of one and the same family. They also proposed to introduce a few amendments of a technical character, with which he need not now trouble the House. Power would be proposed to be given to the Local Government Board, by Provisional Orders, to group together districts in the same county for the joint appointment, under certain circumstances, of Medical

Mr. Selater-Booth

Officers of Health. The appointment of medical officers under the Act of 1872 had been the subject of a great deal of controversy and dispute between the localities and the central authority, and it was hoped that this power might prove useful, and also conduce to economy in some cases. The House was aware, from the intimation on the subject in Her Majesty's Speech, that it was intended to introduce a measure in the course of the Session to deal with the pollution of rivers. As this was a Consolidation Bill, the Government thought that some attention should likewise be given to the purification of the atmosphere, and that it would be desirable to make some alteration in the law with regard to nuisances arising from smoke, offensive smells, &c., in order that the law might be carried more effectually into operation. He was very much impressed, from the first moment he took the place he had now the honour to fill, by the widely-spread opinion as to the necessity for further provisions on that subject. One of the first duties, therefore, which he undertook was to propose to Parliament an amendment of the old Alkali Act, and he was led to hope and believe, from his experience in the conduct of that measure, that if the Government made the remedies against ordinary nuisances more effective, they would find the owners of works, trades, and manufactures lend themselves to this feeling, and not be reluctant to permit the new changes in the law to be effected. He had received a deputation the other day, composed of gentlemen from the Tyne, Mersey, and Thames — gentlemen who represented associations formed for the purpose of enforcing the removal of such nuisances as he had already alluded to—and he could only regret that he was unable at that time to give them a more definite assurance that their wishes would be attended to. Those gentlemen desired that there should be a system of inspection to regulate the proceedings of manufactures in regard to smoke from furnaces. But, without undertaking anything on so large a scale, the Government hoped by a few simple provisions to enable what was the known and certain intention of the law to be more effectively applied. First, he proposed to enable a local authority to take such proceedings to remove a nuisance without their district as they could take

under the existing law to remove a nuisance within their district. At present the law was that no local authority might proceed against a nuisance, unless the cause of it arose within their district. Then it was proposed to repeal a provision of the law which he was told had made the process which was laid down in the Nuisance Removal Acts almost ineffective. If a defendant entered into his recognizances to abide the result of an action at law or proceeding in equity, thereupon the proceedings of the local authorities were stayed. That course was found to be extremely expensive and objectionable, and the provisions as to summary procedure were thereby rendered null and void. The Government hoped they might be able to insert a clause in the Bill, which would provide that a person who only assisted in an accumulated nuisance should not be able to escape punishment by pleading that he was only one of many parties guilty of such nuisance. He thought that if these proposals were accepted they would enable parties to obtain remedies which they could not now obtain, and would be found beneficial to the country at large. It must be borne in mind that the Bill which he wished to introduce would not interfere with those provisions of the law which were passed in the interests of those traders and manufacturers who had made or endeavoured to make arrangements for the consumption of noxious vapours or smoke. There was only one other provision to which he wished to call the attention of the House. Under one of the Nuisance Removal Acts a general exemption was introduced of mines and mineral products; and subsequently, in an Act passed 10 years later, smoke was made a nuisance for the first time. He proposed to modify the terms of that exemption, only so far as to enable the obligations of the law to be brought home to all parties, assuming that there was sufficient public spirit in the various local authorities in all parts of the country to carry out these obligations. He would not detain the House further in asking for leave to introduce his Bill.

Motion agreed to.

Bill for consolidating and amending the Acts relating to Public Health in England, *ordered* to be brought in by Mr. SCLATER-BOOTH and Mr. CLARE READ.

Bill presented, and read the first time. [Bill 55.]

INTERNATIONAL COPYRIGHT BILL.

RESOLUTION. FIRST READING.

*Considered in Committee.**(In the Committee.)*

MR. BOURKE, in rising to move "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to International Copyright," said, the Bill was exactly the same as that which passed through the Commons last year, but did not get through all its stages in the House of Lords in time to enable it to become law.

MR. E. JENKINS said, he did not oppose the Motion for the introduction of the Bill; but he must express the strong feeling of dissatisfaction which was entertained against the Government because they had not seen fit to introduce a Bill of a more general character in reference to the important subject of International Copyright. Last year the Secretary for Foreign Affairs was waited on by deputations, who represented to him the serious injustice which was experienced by authors in Great Britain in consequence of the present state of the law. Probably, there was no class of Her Majesty's subjects who suffered at this moment such wrongs as authors. If he were asked to classify Her Majesty's subjects from below upwards, he should begin with the scavengers, theirs being the lowest trade, put sweeps in the second place, and in the third, authors. Not only were authors subjected to injustice at the hands of their publishers at home, but they were continually plundered by publishers abroad. Again and again had this subject been brought under the notice of the Foreign Office, with special reference to the plunder of British authors by publishers in the United States of America. The United States had repeatedly beaten us in diplomacy by means of knowledge obtained from the brains of British authors, and yet American publishers were permitted year after year to continue this plunder, without any attempt being made on the part of the Foreign Secretary to get the injustice remedied. When he saw that a measure was to be introduced with so large a title as "International Copyright" he had hoped that the hon. Gentleman would submit to the House something more worthy of

its attention than the mere rag introduced to-day.

Motion agreed to.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to International Copyright.

Resolution reported: — Bill ordered to be brought in by MR. BOURKE, MR. RAIKES, and SIR CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 56.]

MUNICIPALITY OF LONDON BILL.

LEAVE. FIRST READING.

LORD ELCHO, in moving for leave to bring in a Bill for creating a County and Municipality of London; and for other purposes connected therewith, said, that at the present stage, he only proposed to make a brief explanation of the Amendments which had been introduced into the Bill since it had been circulated among hon. Members. The question of the government of the City of London had been so often before the House, had been so freely canvassed in the Press and elsewhere, that it was only necessary for him to say that the object contemplated by the measure was to bring about in our great metropolis improved, harmonious, and economical government, by establishing unity of administration. It was believed this could be done by extending the City Corporation over the whole of London; in fact, by walking upon the old lines of the City Constitution, guided by the light and chart of the Municipal Act of 1835. A Bill, based upon this general principle, was drawn up last autumn, and taken to the Secretary of State at the Home Office, in the hope that Her Majesty's Government would be induced to take up the question—a question which previous Ministers had said was one of first importance, and one which ought to engage the attention of Parliament at the earliest possible time. The Government received the promoters of the Bill most civilly, but expressed no direct opinion concerning the course they intended to take. He did not ask on the present occasion for any direct statement of opinion from his right hon. Friend the Home Secretary; indeed, he would rather his right hon. Friend would silently allow the Bill to be brought in, because it differed very materially from the Bill which was presented to him in

the autumn. For his own part, though he approved the general principles of the Bill as it was presented to his right hon. Friend and circulated in the Press, he wished to state that he never saw it until it was actually in print. What he held himself to be individually responsible for was the Bill as it had since been altered. The changes introduced must render it more acceptable to the Government, to the House, to the Corporation of London, and to the metropolis in general. They might be stated in a very few words. In the first place, the changes would secure Imperial authority if they created a great united municipal government over 5,000,000 of people. This would be done by giving a veto to the Secretary of State, or to some authority on the part of the Crown, whose approval would be necessary for the appointment of the Mayor, the Deputy Mayor, the Recorder, and the Common Serjeant. Then, as regards the police, in the Bill as originally drawn, they were placed wholly under the control of the Corporation; but it was manifest that the objections urged against this proposal rested on sound grounds, and it was now proposed to do nothing at all in reference to the police, but to leave it to the Secretary of State and the House of Commons in Committee to decide how they would deal with the Imperial question of the police of this vast metropolis. As regards the question of property, he had always stood up in that House as a defender of the rights of property, and he should be the last man to countenance any encroachments on the rights of property. Under the original Bill, there was a clause for taking possession of the property of the Corporation of London, with a view to spread it over the whole of the new municipality; but it was now proposed that property accumulated by that ancient Corporation should not be taken from it without its consent. Next he came to the question of persons. The Bill took the greatest care of vested interests, and all rights, privileges, and immunities were reserved in the Bill as it originally stood. Still, he thought it might have done more in reference to one officer at present existing. Under Mr. Mill's Bill on this subject, introduced some years ago, there was to be a Chairmanship of Committees, and the then existing Chairman of the Board of

Works, Sir John Thwaites, was directly appointed by that Bill as the first Chairman of Committees, at his existing salary. It was now proposed to follow the precedent of Mr. Mill's Bill, and the present Chairman of the Metropolitan Board of Works was named in the Bill, first Chairman of Committees, with the same salary he now received and the same tenure of office, which was from year to year. Lastly, he came to the question of vestries. It was proposed in the altered Bill to recognize the existence of the vestries, which the Bill, as it originally stood, did not recognize. The existence of the Metropolitan Board of Works was recognized, and its members would for the first three years be taken into the General Municipal Council. It was proposed, therefore, that the vestries should be recognized as an existing corporate body, having to do with the local government of the metropolis, by inviting them to nominate one or two members of their own body to form part of the General Municipal Council. He believed that if the scheme were adopted, the best men of the present Local Boards would become members of the new municipality. These were the changes he proposed to make in the Bill as it was originally drawn. He believed they were improvements, and he hoped he should be allowed to lay the Bill, as amended, on the Table of the House.

SIR GEORGE BOWYER said, he could not congratulate his noble Friend on the alterations he had made in his original Bill. In his opinion, the principal so-called amendments were anything but improvements, and made the measure more objectionable than it was before. He referred especially to the proposed alteration by which the Secretary of State was to have the power of vetoing the appointment of the Chief Magistrate of the municipality, as well as having a veto on other appointments made by the municipality. A provision of that sort would destroy the principle of municipal government, and overthrow the first principle of those municipal liberties which were a part of the Constitution of the country and of its history. The principle of municipal government was self-government—the government of the municipality by the representatives of the people themselves, subject to the law, and not to the

Executive authority of the State. The municipality ought, above all things, to have the power of electing their own Chief Magistrate. He was aware that under the present system it was the custom that the Lord Chancellor should express the sanction of the Crown to the appointment; but that was virtually a matter of form, as was the case also with respect to the election of the Speaker. The House did not suppose that the Crown had any veto upon the election of the Speaker, and the City of London would consider themselves deprived of their right to elect their Lord Mayor if the election was to be subject to the veto of the Secretary of State. It would amount to the introduction of the French system of electing mayors, which he did not think the people of this country would approve, and he should use his best efforts to withstand it. He believed the noble Lord's scheme to be an impracticable one. A corporate body comprising the whole of the metropolis would, in his opinion, be unwieldy; such a plan would not work at all. It would be an immense system, including some 4,000,000 of people—a population equal to that of many kingdoms. It would require the management of the finances by a Chancellor of the Exchequer, and a very extensive machinery. Another objection to the Bill was this—that the proposed municipality might in troublesome times be found to interfere materially with the prerogative of the Crown and the authority of Parliament. He was entirely opposed, too, to the provision of the Bill which would place the police of the City of London under the control of the Executive Government. It was acknowledged that the police in Scotland Yard were not equal in efficiency to the police of the City of London, and there was no reason whatever for the change suggested by his noble Friend. For his part, he believed that an Act to enable districts to affiliate themselves with the Corporation of London would meet all that was required, and such boroughs as wished to have a municipality of their own might come to the House for an Act of Parliament to enable them to give effect to their views.

LORD ELCHO observed, that the speech of his hon. and learned Friend had evidently been prepared against the original Bill, and not against the Bill,

as amended, which he asked leave to introduce. His hon. and learned Friend had therefore had to perform the difficult task of making his intended speech fit an altered state of things. He had, however, admitted the case of the metropolis to be an exceptional one, and it was only in such an exceptional case that the principle objected to could be applied. He would remind his hon. and learned Friend, too, that not only in the case of the election of Lord Mayor, but in that of the election of Recorder of London was the approval of the Crown required.

Motion agreed to.

Bill for creating a County and Municipality of London, and for other purposes connected therewith, *ordered to be brought in* by Lord ELCHO, Mr. KAY-SHUTTLEWORTH, and Mr. STAVLEY HILL.

Bill presented, and read the first time. [Bill 61.]

STANDING ORDERS.

Select Committee *nominated*:—Sir EDWARD COLEBROOKE, Viscount CRICHTON, Mr. CURITT, Mr. THOMSON HANKEY, Mr. HENLEY, Mr. HOWARD, Sir GRAHAM MONTGOMERY, Mr. MOWBRAY, The O'CONOR DON, Mr. SCOURFIELD, and Mr. WHITEHEAD.

SELECTION.

Committee *nominated*:—Mr. THOMSON HANKEY, Sir GRAHAM MONTGOMERY, The O'CONOR DON, Mr. SCOURFIELD, Mr. WHITEHEAD, and the Chairman of the Select Committee on Standing Orders.

MUNICIPAL ELECTIONS BILL.

On Motion of Mr. DODDS, Bill *to amend the Law regulating Municipal Elections, ordered to be brought in* by Mr. DODDS, Mr. GOURLEY, Mr. CALLENDER, and Mr. RATHBONE.

LOCAL GOVERNMENT (IRELAND) BILL.

On Motion of Mr. BRUEN, Bill to reform and assimilate the systems of Local Self-government in force in certain cities and towns in Ireland, *ordered to be brought in* by Mr. BRUEN, Sir ARTHUR GUINNESS, Mr. CORRY, Mr. KAVANAGH, and Mr. MULHOLLAND.

Bill presented, and read the first time. [Bill 58.]

POOR REMOVAL BILL.

On Motion of Mr. DOWNING, Bill to amend certain Acts of Parliament by which Boards of Guardians in England and Parochial Boards in Scotland are empowered to remove to Ireland persons born in that country and their wives and children who may receive relief from the Pooers Rate, *ordered to be brought in* by Mr. DOWNING, Mr. FRENCH, Mr. POWER, and Mr. O'SHAUGHNESSY.

Bill presented, and read the first time. [Bill 59.]

Sir George Bowyer

ALLOTMENTS EXTENSION BILL.

On Motion of Sir CHARLES DILKE, Bill to extend the Act of the second year of King William the Fourth, chapter forty-two, *ordered* to be brought in by Sir CHARLES DILKE, Mr. EDWARD JENKINS, and Mr. BURT.

Bill *presented*, and read the first time. [Bill 57.]

FOREIGN LOANS REGISTRATION BILL.

On Motion of Mr. HENRY B. SHERIDAN, Bill to provide for the more effectual registration of Loans for Foreign Borrowers, *ordered* to be brought in by Mr. HENRY B. SHERIDAN and Mr. McLAGAN.

Bill *presented*, and read the first time. [Bill 60.]

House adjourned at half after
Six o'clock.

HOUSE OF LORDS,

Friday, 12th February, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Orders Confirmation (Caister, &c.)* (14); Patents for Inventions (15).

QUEEN'S SPEECH.—HER MAJESTY'S
ANSWER TO THE ADDRESS.

THE LORD STEWARD (Earl BEAUCHAMP) *reported* Her Majesty's Answer to the Address, as follows:—

"MY LORDS,

"I THANK you sincerely for your loyal and dutiful Address.

"You may be assured that I shall always heartily co-operate with you in all Measures that may be calculated to promote the happiness and contentment of My People."

PATENTS FOR INVENTIONS.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR: My Lords, I have so often received the indulgence of your Lordships when bringing before you subjects which were technical and devoid of general interest, that I think I shall not be without your forbearance now when I ask your attention to a subject interesting in itself, which is exciting great interest out-of-doors, and regarding which any legislation which may now be determined upon cannot but be attended with important effects, for good or for evil, upon the manufacturing and inventive interests

of the country. My Lords, it may be asked, why it is that Her Majesty's Government at this time propose legislation on the Patent Laws. My Lords, the development of manufactures and commerce in this country of recent years has excited attention in an unusual degree to the state of the laws of this country which afford protection to inventors; and, my Lords, the result has been that there has arisen what I may call a two-fold controversy—a controversy conducted, on the one hand, by those who think there ought to be no Patent Laws at all; a controversy, on the other hand, pressed forward by those who, while desiring to retain the protection of patents, seek a considerable alteration in the Patent Laws as they now exist. It is now, I think, 12 years since, in the other House of Parliament, I ventured to propose a Resolution, which was seconded by my noble Friend the Secretary of State for Foreign Affairs (the Earl of Derby), for a Royal Commission to inquire into the working of the Patent Laws. That Commission was issued, and there sat on it men whose names will, no doubt, carry confidence with your Lordships. Lord Hatherley, Lord Overstone, my noble Friend the Secretary for Foreign Affairs, Sir William Erle, Mr. Justice Grove, Mr. Forster, and Sir William Fairbairn were members of that Commission. It heard a great deal of evidence; it made a Report to which I shall have to refer, and it recommended certain changes in the laws regarding patents. My Lords, nothing was done in consequence of the Report of that Commission; but in the years 1871 and 1872 a Select Committee of the House of Commons was appointed to inquire into the same subject. It sat, and entered into an elaborate inquiry. And, my Lords, having read the evidence given before that Committee, I think I may assure your Lordships that if at any time you desire reading that will afford you both deep interest and much amusement you will find it in the report of that evidence. Some of the greatest inventors and of the most scientific men of the present day contributed to the knowledge collected by the Committee. There were among them Mr. Bessemer, Mr. Schneider, of the Creusot Ironworks, Sir William Armstrong, Mr. Nasmyth, Mr. Bramwell, and many others too numerous to mention; and

in addition the Committee had the advantage of hearing the opinions of Lord Selborne and Mr. Justice Grove, who stated their views, the result of their long experience as to the working of the Patent Laws. That Committee made its Report and recommended changes in the Patent Laws. Since that time—in 1873—the Universal Exhibition at Vienna was held, and on that occasion what was termed “The International Patent Congress” also assembled in that city. Persons from all parts of Europe who were interested in the Patent Laws met there and gave their opinions, and arrived at certain resolutions, to which I shall have to refer, as the basis on which, in their judgment, the Patent Laws of any country ought to be framed. In the Reports of the Commission and of the Select Committee and in those Resolutions come to at Vienna your Lordships have a large body of evidence on the subject: but you have also in them what appear to me the great landmarks as to the direction in which any alteration of the laws as to patents ought to proceed. Since the date of the Congress at Vienna I have been a witness myself—from the deputations that have come to me on the subject—of the loud and continuous demand from those persons who are engaged in manufactures, that some alterations should be made in order to give effect to those various recommendations which have been made from time to time. This, my Lords, is the reason why Her Majesty’s Government have come to the conclusion that some effort should be made to respond to those demands and an attempt be made to improve those laws. I shall endeavour to shorten as much as I can the field over which I have to travel, and I may at once tell your Lordships that I do not intend to enter into any argument upon the abstract question whether patents should exist at all. I have never been an enthusiastic admirer of the Patent Laws in their present condition as suited to this country. I am aware that objections—very serious objections—may be urged against the existence of such laws at all. On the other hand, I know that there are arguments—strong arguments—in favour of the Patent Laws, and that there is now in this country a strong feeling that Patent Laws should be maintained. I

The Lord Chancellor

believe that between those two extreme propositions the truth lies. The Patent Laws we have may be so amended as to prove beneficial to the country; but, on the other hand, I am convinced that if these laws be not amended, and if objections now urged against patents are not removed, the days of patents are numbered, and an end must come to them altogether. Neither, my Lords, do I intend to occupy your Lordships’ time with arguments as to the principle on which Patent Laws, if they are to exist, ought to proceed. I know that there are some persons who hold that inventions are property, and that the owners of inventions should be protected, just as the owners of lands or of other property are protected in their ownership. My Lords, I do not admit the proposition. I believe that if it held good, you must give the inventor protection not for 14 years or any other term, but protection without any limitation as to time. Not only is that so, but if an invention be property in the sense that everybody understands the word, you must admit the right of the inventor who declines to use his own invention to prevent its being used by anyone else. The assumption to which I have been referring seems to me to proceed on a palpable fallacy. A man’s invention is his own, and he may proceed to use it; but it is wholly another thing when he seeks to prevent anybody else from using it. The question of allowing him to do this is not one of property or of abstract right, but one of expediency, respecting which the State is quite entitled to make a bargain, and the only consideration is on what terms an exclusive right of user should be allowed to him.

Now, my Lords, it often occurred to me that if you were to ask in this country by what authority is it that patents are granted, the first idea that would come into any one’s mind would be that some Parliamentary enactment was the original authority. But that would be entirely a mistake. It is a somewhat singular thing that at this moment the granting of patents, exercising as it does a most important influence on the whole of the manufactures of this country, does not depend upon an Act of Parliament, but on the old prerogative of the Crown. Your Lordships will recollect a statute well-known as the “Statute of Monopolies;”

it was passed in the 21st year of the reign of James I., in consequence of promises made by Queen Elizabeth, but which had not been observed. The object of the statute was to put an end to a number of monopolies, some of which applied to food; but an exception was made in the Act by the preservation of an old prerogative of the Crown, and that was the origin of the Patent Laws which exist to this day. The 6th section of the Act declares that the abolition of monopolies does not

“extend to any Letters Patent and grants of privilege for the term of 14 years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within the realm to the true and first inventor and inventors of such manufactures.”

That was a reservation to the Crown of its old prerogative of granting monopolies—the reservation, as your Lordships see, being in the granting of patents of 14 years for what could be described as “new manufactures within the realm.” That is the origin of the present system of Letters Patent.

I will now ask your Lordships to pass from the history of these grants to the comparatively recent period of 25 years ago. In the year 1852 the whole system of granting patents came to be regulated by Act of Parliament, and three great changes were then effected. For the first time, it was provided that one patent should do for the whole of the United Kingdom. Up to that time three several patents were necessary for England, Ireland, and Scotland. Again, it was then determined that a patent for the United Kingdom should be granted at an expense very much lower than that which had been previously required. Up to that period patents for the Three Kingdoms cost between £300 and £400. Further, the Act of 1852 made another innovation as regards expenses, which has worked exceedingly well. It provided that on the first application for a patent the applicant should have to pay only £5; and that at certain stages, which would run over six months, he should have to make payments amounting in all to £25. He was to pay no more till the end of three years, at the expiration of which time, if he wished to keep his patent, he was to pay £50 more. At the end of seven years, if he wished his patent to run to 14 years, he was to pay £100 more, which, for a

patent of 14 years, would make a total payment of £175. The next alteration made by the Act was this—a provision was made that there might be what is called a “provisional protection”—that is to say, the applicant for a patent was to put on paper what is called a “provisional specification,” containing the general outlines of his invention. This was to be deposited in the proper office, and during a period of six months he was to be at liberty to make experiments in the use of his invention, without the danger to which he might otherwise have been exposed if he delayed taking out a patent and his invention became known throughout the country. And now, my Lords, let me call your Lordships’ attention to some of the results of the Act of 1852 by comparing the receipts in 1859 and in 1873. In 1859 the receipts from patents were £87,300, and the surplus, after all expenses connected with the granting of those patents, was £21,600. In 1873 the receipts had risen to £144,760, and the surplus to £90,000. Now, let me bring under your Lordships’ notice the number of patents. I quoted to your Lordships the words in the Act of James, which states the reservation to be in favour of patents for “new manufactures within this realm.” How many of these “new manufactures” do your Lordships suppose spring up within the course of a year in this country? No fewer than 4,300 a-year, or nearly 100 a-week, or something like 15 for every working day. If all these be for “new manufactures within this realm” it must be admitted that we have a most fertile inventive genius at work in this country. I will now state what becomes of these patents. I am taking my figures in round numbers, and by a comparison of several years, and I find that of the whole number of original applications for patents, one-third fall off before the time of sealing the patents, the inventions having been found to be not worth the expense of sealing. Of those which have been sealed, at the end of the third year seven-tenths or 70 per cent drop off, it having been found that the invention is not worth the payment of the £50: and two-tenths or 20 per cent of the remainder drop off at the end of seven years, it having been found not worth while to pay the other £100 to secure the patent for 14 years. So your Lord-

ships will see that only one-tenth of the entire number of cases in which patent rights are originally applied for remain to run the whole course of 14 years.

That being the state of things as to patents, will your Lordships allow me to point out the defects which I think it is generally agreed exist in the present system? Those who have not looked into these matters will be, perhaps, surprised to hear as an accurate statement that there is absolutely no examination in this country of an invention before a patent is granted for it. In point of form, there is the presumption of such an examination—and no doubt the Act of 1852 implies that there ought to be such an examination by enacting that the Law Officers of the Crown may call in experts to assist them in granting patents. But, in point of fact, that provision is not, nor cannot be, acted upon. I find that in 1872 only 62 applications, and in 1873 only 78 applications for patents were rejected by the Law Officers. I should say that they were rejected on regulations as to form, and not from any objections as to substance. From my own experience when I was one of the Law Officers of the Crown, I know that an examination of inventions by the Law Officers is found to be impossible, and your Lordships will not be surprised that with their other duties the Law Officers cannot make any real examination of inventions which pour in at the rate of about 100 a-week. The second defect in the system is this—The provisional specification of which I have told your Lordships, and which is the document which describes the character of the invention, is kept absolutely secret during the period of protection. I do not think it was intended in the Act of Parliament that this should be, but in practice it is so. An advertisement appears in the papers announcing that a patent has been applied for by a person of a particular name; but the allusion to the particular invention is as general as possible, and the provisional specification cannot be seen by the world until the patent is sealed. If any one have reason to suspect that his patent or his invention is being infringed on by the person applying for the patent, he is not in a position to take any very effective steps to ascertain whether his suspicions are well founded, inasmuch as he is not allowed to see the specification. A third

objection is this—The provisional specification is drawn up in the general way I have described; but when the patent comes to be sealed, it is sealed not in accordance with that specification, but in accordance with the complete and final specification, which is attached to the patent on its being completed. The applicant is permitted, between the time of his provisional and his complete specification to make any changes he pleases in his design, and there is no control over him to see that the complete specification does not depart from the provisional one. The consequence is this—You have granted in this country every year the enormous number of patents I have mentioned, taking one year as an instance of all. And what is the effect upon the industry of the country of a system which allows, without check and without examination, a number of patent rights to be created? My Lords, you will find it described by the Royal Commission which reported in 1865 in words much better than any which I could use. The Commissioners say—

“From a paper drawn up at our request by the Superintendent of Specifications, it appears that upon examining into the first 100 applications for patents in each of the years 1855, 1858, 1862, the results were, in his opinion, that in 1855, 26 were manifestly bad for want of novelty, and six more partly so; in 1858, 14 manifestly old and one partly so; in 1862, seven were old and one would probably turn out to be so. An instance, illustrating the mode in which these patents are used, is given in evidence, where royalties had been demanded, and in most cases obtained, by the patentee of a machine which turned out upon investigation to be identical with one which 19 years before had been well known and publicly used. Other instances will be found in the evidence of particular manufactures and branches of invention which are so blocked up by patents, that not only are inventors deterred from taking them up with a view to improvement, but the manufacturer in carrying on his regular course of trade is hampered by owners of worthless patents, whom it is generally more convenient to buy off than to resist. The evil also results in another practice having the same obstructive tendency—namely, that of combination among a number of persons of the same trade to buy up all the patents relating to it, and to pay the expense of attacking subsequent improvers out of a common fund. From a comparison of evidence, it cannot be doubted that this practice prevails to a considerable extent. We must also conclude that when the obstruction is not to be got rid of without the expense and annoyance of litigation, in a large majority of cases the manufacturer submits to an exaction rather than incur the alternative.”

The Committee of the House of Com-

mons gave an opinion in substance to the same effect; and they recommended—

“That protection for a limited period, and dating back to the time at which it is applied for, should only be granted for an invention on its nature, and particular points of novelty, being clearly described in a provisional specification, and upon the report of a competent authority that such invention, so far as can be ascertained by such authority, is new, and is a manufacture within the meaning of the law.”

The International Congress at Vienna arrived at the same conclusion—that patents ought not to be granted without a preliminary examination of some kind. In fact, if your Lordships only think of the matter for a moment you will see that something of the kind is absolutely necessary. I cannot imagine anything more serious to the manufactures of the country than that 4,300 drag-nets, more or less, should be annually spread, every one of them curtailing to some extent the area of those manufactures, and every one of them exposing manufacturers to litigation, or, perhaps, to the payment of black-mail if they would escape the irksome process of litigation for an alleged infringement of patent-right.

Now, my Lords, let me explain what Her Majesty's Government propose in the way of amendment of the Patent Laws. The present Commissioners of Patents are the Lord Chancellor, the Master of the Rolls, and the Law Officers of the Crown. The Act of 1852, which created the Commission, contemplated that other persons might be nominated by the Crown to act as Commissioners, but, as it appears, no other persons have been nominated. Now, my Lords, we propose to enlarge the composition of the Commission, not by the addition of paid Commissioners, but by the addition of unpaid Commissioners, who are not to be charged with the examination of details—that is provided for in another way—but who are to superintend the general arrangements of the Patent Office and the Patent Museum, and to define the regulations under which patents are to be applied for and granted. We propose that five other members—three on the nomination of the Board of Trade and two on the nomination of the Lord Chancellor—should be added to the Commission. We expect that men of scientific and manufacturing eminence will be found willing, as a mark of distinction, to serve

on the Commission and perform the duties that will be imposed on them. These duties will involve no great sacrifice of time, but the advice and assistance of such persons, conversant with manufactures and the arts, will be of much advantage to the country. In fact, it would be utterly impossible to secure the services of such persons as paid members. There are some men who would be very useful on the Commission, but whom no payment that could be offered to them would induce to resign the occupations in which they are engaged. Well, my Lords, that being the composition of the Patent Commission—very considerable authority will be given to the Commissioners in respect of the conditions on which patents are to be granted. We also propose that there should be attached to the Patent Office officers to be called “Examiners of Patents.” The Bill provides that they shall not be fewer than two nor more than four in number. We propose that these Examiners, who are to be gentlemen with competent legal, and scientific knowledge, should give their whole time to the business of their office, and that their duty shall be to acquaint themselves, in the first instance, with the contents of the Patent Office, and all the documents in use in that Office. Then, my Lords, we propose that every application for a patent shall be accompanied by a specification which must describe, not provisionally and in general terms as at present, but as fully as the inventor can describe it, the nature of the invention. We propose that this specification shall be referred to one of the Examiners in conjunction with one or more Referees. We propose that there shall be a panel of these Referees prepared by the Board of Trade, and consisting of men generally skilled in arts, science, and manufactures, who, without giving up the whole of their time to such duties, may be ready to express an opinion on any particular application for a patent. The points to which their opinions will be directed are these:—Whether the invention is a proper subject for a patent within the Statute of Monopolies; whether the specification is sufficient; whether the invention, as far as can be judged from an examination of former specifications and other documents in the Patent Office—they are not to go further than docu-

ments enable them to go in this direction—is a new one; whether the invention is wholly or mainly a combination of some known machinery, processes or substances; whether by reason of its frivolous character or for any other reason the invention is unworthy of a patent; whether, in consideration of such combination as I have just alluded to, or because the invention is not of considerable importance, it is expedient that the duration of the patent shall be limited to 7 instead of 14 years. The reason of this is that there are a number of inventions, which though they must be classed as inventions do not amount to more than a combination of some machinery, or process, or substance already in use, and are not worthy of being put on a footing with the great inventions of the country. The opinion of the Examiners in conjunction with the Referees, and the application itself is to come before the Law Officers—because we propose that with the Law Officers shall still rest the responsibility of passing a patent, though they are to have the assistance I have described. If on these materials the Law Officers are of opinion that the patent should be granted it will be granted as at present; but with this condition—that the patent will not be sealed for six months from the first application, and that in the meanwhile any person who may have objection to the granting of the patent may have the opportunity of making his objection, and there will be an appeal from the Law Officers to the Lord Chancellor or one of the officers of the High Court of Justice, to be named for hearing such appeals by the Lord Chancellor. If the Law Officers refuse the application for the patent the applicant will have the opportunity for appeal in the same way; and so also in reference to the question whether the patent shall be for 7 or 14 years in the first instance. There will be a third appeal—one in case the patent has been granted for only seven years; but we propose that in this case there should be no appeal in the first instance, and for this reason—because, whether the patent should be extended to 14 years may depend upon experience gained in the actual working of the invention. But at a certain time before the expiration of the seven years, application may be made with the light of that experi-

ence for an extension of the patent to 14 years. These are the proposals of the Bill with regard to the preliminary examination and granting of patents.

I have told your Lordships that in the first instance the inventor is to make his specification as full as possible; but there will be allowed a term for provisional, as distinguished from complete specifications. Your Lordships will readily understand that experiments made within six months may lead to a considerable expansion of the specification. We, therefore, propose that the applicant should have power to amend his specification before the time of the sealing of the instrument; but the amendment must be made under the control of the Law Officers, who will refuse to allow it if it be any improper extension of the invention, or material departure from the original specification. It is also proposed that even after the patent is sealed there shall be a right of amendment, in order that any technical difficulty may be obviated. There will also be in the Bill a provision for disclaimers. Then how do we deal with the question of prolongation? Your Lordships may be aware that under the present system the owner of a patent may apply to Her Majesty in Council for an extension of the patent beyond the term of 14 years, for 7 years, or even for another 14 years. It has been much debated whether that is a wise provision in the law. The Royal Commission which reported in 1865 stated that in the opinion of the Commissioners no such prolongation ought to be allowed. And, my Lords, it appears to me that the objections to a prolongation are very serious. In the first place, it is very difficult to lay down the principle on which a patent should be prolonged. The Judicial Committee of the Privy Council have endeavoured to define it, and I know it has been held by them that the patent should be a meritorious one, and that the case should be one in which the inventor had not been sufficiently rewarded. But who are to be the judges whether the invention is so meritorious as to deserve prolongation? One Judge, or one body of Judges, may think an invention very meritorious and deserving of prolongation, while another Judge or another body of Judges might be of the contrary opinion. Again, who is to tell whether the patent has sufficiently rewarded the

The Lord Chancellor

inventor or not? I am afraid that in practice the result of holding out the expectation that the patent will be prolonged if the patentee has not been sufficiently rewarded is that if the patentee has not made much during the first 10 years of his patent, he takes good care during the next two or three years not to do anything which may alter that state of things—the doctrine acts as a premium on inertness during the last two or three years of a patent; and can your Lordships imagine anything more calculated to unsettle the trade of the country than this? Here is a patent which, perhaps, deeply interests many of the manufacturers of the country, because, as long as it exists, no one but the patentee can use the invention. The patent is about to terminate, and a number of manufacturers would erect buildings and extend their machinery in order to work the invention; but they are afraid to do so because there may be a prolongation of the patent, which would render all their additional buildings and their extended machinery useless. The consequence is that during the later years of a patent trade becomes paralyzed in respect of that particular article. There is another practical objection to prolongation, though not, perhaps, so formidable a one as that to which I have just alluded. It appears to me that this system of prolongation is a violation of the contract made between the inventor and the State. The granting of a patent is justifiable only on the ground of expediency. The State says to the inventor—"If you have applied your ingenuity to this particular invention, and will explain how it is to be carried into effect, we will give you a monopoly of it for 14 years." The inventor is willing to take the monopoly on those terms, and work his invention. If, after the 14 years have expired, you prolong the monopoly, you give the inventor what he never bargained for. On those grounds the Government are of opinion that the recommendation of the Royal Commission should be acted upon, and that there should be no prolongations of patents beyond the 14 years for which they are granted.

I now come to a question of deep interest, and one surrounded with difficulty—I mean the subject of licences. Those who are for maintaining the Patent Laws think, nevertheless, that something ought

to be done in regard to granting licences under patents; and those who are opposed to these laws think that if they are to be maintained, the granting of licences should be compulsory. I know there is an objection taken to this by those who say, with some show of plausibility—"What right have you to dictate to a man what he shall do with his own property?" But I think there is a fallacy in that. If you give a patent right to an inventor, unaccompanied by any condition, nothing can be more unjust than to annex a condition subsequently: but a patentee has no right to prevent any other person from using his invention, except that which the State confers on him; and the whole question is—On what terms should you confer that right on him? If the State thinks proper to make a stipulation at the time it confers that right, I do not see how any argument based on the violation of property can effect that stipulation; and I believe that a condition of this kind is by no means new, because in Letters Patent now granted the patentee and his executors and administrators are bound to supply, or cause to be supplied, for Her Majesty's service all such articles of the invention as they may be required to supply by the officers or commissioners administering the Department of the service for the use of which the same shall be required. We know that within the last few weeks the Judicial Committee of the Privy Council, in prolonging the patent of Mr. Henry for rifle barrels, annexed this condition to the prolongation, that these barrels or arms should be supplied to any person who might require them. Now, my Lords, let me ask your attention to what is thought of this question by those who are really the best competent to judge of the feeling of manufacturers upon the subject. The Royal Commissioners considered the matter, and stated the arguments on the one side and on the other, and took a great deal of evidence in reference to it; but the Commissioners did not arrive at a conclusion that they could recommend any compulsory system of licensing. The Select Committee of the House of Commons came to an opinion upon the point. The Committee was a strong one—and I observe that there were upon it many Members who were interested in manufactures, and one who was opposed to the granting of

patents. They came to the conclusion that all Letters Patent should have the following conditions inserted in them:—That the manufacture should be carried into operation within a reasonable time within the United Kingdom, so as to supply the demand for the article upon reasonable terms; that licences should be granted by the patentee on fair conditions, such conditions to be determined in the event of disagreement by the Commissioners, due regard being had to the exigencies of foreign competition. I find that the same subject was considered in a very interesting debate at the Vienna International Congress, and a Resolution to the same effect as that to which I have just referred in favour of licences was come to by a majority of 42 as against 17. Well, that being the state of things, I think your Lordships will not fail to observe that it shows that the desire for a provision of this kind comes from the very persons from whom you might have expected opposition, if opposition were to arise. If your Lordships consider the question of licences, I think you will arrive at the conclusion that there may be a considerable difference between one kind of invention and another as regards the subject of requiring licences to be granted. It may well be that the manufacturer of a particular patented article could manufacture that article to such an extent and in such quantities as to supply the whole community, and without any interruption of trade arising from any want of supply. But it is altogether different when the patented invention is part of a process. Let me illustrate what I mean by a reference to a patent of that kind. Your Lordships probably observed, as I did the other day, in one of the ordinary sources of information, mention made as to a discovery in the manufacture of glass. The discovery was said to have been made by a person who was not a glass manufacturer;—and I believe few of those discoveries are made by persons in the trade or art itself. A farmer found out that glass could be made much less brittle in the course of its manufacture by cooling it in oil in place of water, and the consequence, it is said, is that glass can be manufactured much more tough or less brittle than it was before. Now, assuming that to be so—I do not know whether it is or not—and a patent taken

out for an invention of that kind, what would be the consequences? It is an invention connected with a process in a particular trade carried on in all parts of the country. If such an invention were made and were found to be as valuable as is suggested, the consequence would be that practically no person would desire to have glass of any other manufacture, and yet no one manufacturer could possibly supply the whole country. Not only that, but if he were able to do so it would suspend the operations of the whole glass manufactories throughout the country—assuming that the patentee insisted on manufacturing himself, and refused to grant licences for the use of the process. That is a case in which a whole trade would be injured and crippled if licences to use the invention were not granted. These considerations, my Lords, have led us to the conclusion that the recommendation which has been made ought to be acceded to; and we propose that there should be a condition upon all patents granted after the commencement of the Act, in consequence of which they should be liable at any time after the expiration of two years from their date to be recalled upon either of two grounds—either that the patentee fails to use or put in practice, either by himself or his licencees in this country, the patented article to a reasonable extent—proof to the contrary lying on him—so that the patent may not lie dormant, unused, and unexercised, or be a patent which, having been taken out here, he puts in practice abroad; and, secondly, if it is made to appear to the Tribunal that in order to insure a proper supply of the article to the public, or proper means for using the invention by the public licencees are necessary, and the patentee fails to grant licences on terms which the Tribunal under all the circumstances may think reasonable. I am aware that that provision casts upon the Tribunal a task of some difficulty—namely, the ascertaining of what are reasonable terms; but persons best competent to judge of that matter are of opinion that it is a difficulty which can be surmounted, and that if we provide a system of licences it will go far to remove one of the present objections to the granting of patents.

I pass now, my Lords, to a proposal which relates to the form in which patents can be revoked or recalled. At

present that can only be done by a cumbersome process, and a worthless patent may be used for the purpose of extortion or embarrassment. We propose to substitute for the present dilatory and cumbersome proceeding by which alone it can be recalled, a petition to the Lord Chancellor upon any of the grounds on which petitions can at present be revoked—want of knowledge, want of utility, or upon the two special grounds I have referred to—which special grounds cannot, however, be alleged until the expiration of two years from the granting of the patent.

I now, my Lords, come to another subject, one of some difficulty and great interest. I mean the question of foreign inventions, and what is to be done with them in this country. The theory of the Statute of Monopolies and the construction put upon it was this:—There are to be no patents except for new manufactures within this realm. In the construction of that statute it has been held to be the law that any manufacture brought or introduced into this realm, if it was not used here before, was new within the realm, and that the person holding it was the inventor. So that if one of your Lordships in the course of foreign travel saw any machine or process which you had reason to believe was new, you might on your return to this country describe the nature of the invention, and would be entitled to receive a patent in respect of it. There is no doubt that in old times, when travel was not common and when intercourse between countries was not large, it was a very good thing to induce or bribe persons to discover what was being done in other countries and to bring home the result; but I think your Lordships will be of opinion that there is not much necessity for that kind of incentive to discovery in the present day—we know very well what is done in that way in other countries. The evil of the system is this:—There has arisen under the doctrine of law I have referred to this state of things—perhaps I ought not to say that it is actually done, for I might be called upon for distinct proofs, but I will, at all events, say it is supposed to be done and may be done. It may be that there are persons, agents of people in this country, who in foreign countries are on the watch for new inventions and discoveries for which patents are about

to be applied; they learn the nature of them, and by telegraph or post transmit the particulars to their principals here, who, to use a common expression, “snap” the patent here before the real inventor can come over here and obtain one for himself. And, again, there are persons on the watch for the publication of patents abroad, and if any person has taken out a patent in the United States, or France, or Germany, and has not taken the precaution at the same time to apply for a patent here, some of those agents transmit the account of the invention home as quickly as possible, and a patent is thus obtained for it in this country. The consequence is, I find, that in 1872 no less than 890 patents were granted in this country to persons who, on the face of their applications, profess that they were communications from abroad; and in the year 1873 there were 870 applications of this kind. Upon this subject we have an almost perfect unanimity of opinion. The Royal Commission express an unanimous opinion that these communications should not be made the subject of future patents. The Committee of the House of Commons express a similar opinion. The International Congress of Vienna were of the same opinion: and so far as I know every country that grants patents, except our own, declines to grant patents for foreign inventions, except to the foreign patentees. We have, indeed, a provision in our law that if a patent is taken out here for any invention which forms the subject of a patent in a foreign country that patent must fall as soon as the foreign patent expires. But we propose that no patent should be granted in future for a communicated invention, and that if a patent has been granted for a foreign invention it should not be granted here except to the inventor himself, and not to him unless he applies for it within a limited time in this country. This change will, I think, commend itself to your Lordships upon every ground of fairness and equity. There is a theory which has spread a little abroad, and has been brought before me by deputations—some persons are calling out for an “international” system of patent rights. I do not myself understand, and I am not sure that these persons understand, what is meant by that phrase. There appears to be some idea that, if a foreign country

should issue a particular patent, the title should be communicated and should be received by other countries, and that the patentee should then be entitled to an absolute monopoly in every other country. That, however, would be absolutely impossible. A patent must be granted in any country with regard to the novelty of its invention in that country. But suppose this country granted a patent, could we undertake to say that the invention was a novelty in Russia, in Germany, or in the United States? And if this country took upon itself to determine that the invention was a novelty in those countries, is there any chance that those countries would accept our decision? That is the view taken of patents in all other countries. If it were once held that a patent should pass through all other countries and become a monopoly in all those countries, there could be no more fatal gift to any inventor, because he would have to show before the patent would be granted that his invention was not only new in this country, but new in all other parts of the world—which it would be impossible for anyone to do. If, however, it is meant that all civilized countries are to be invited to grant patents on similar terms, and that the procedure is to be assimilated in all countries, that may be a practicable or possible thing, although it does not concern us much on what terms other countries may grant patents.

I now pass from the subject of foreign inventions. I regret to detain your Lordships at such length, yet the subject is of interest to so many persons that I do not like to omit anything essential. I now come to ask your Lordships to observe what we propose to do in a matter of considerable interest, and that is the position of the Crown in this country in regard to patent rights. The history of the position of the Crown on this subject is a very curious one. I was too much accustomed when at the Bar to deal with patent cases to have any doubt whether this was an open question. In every patent that is issued it is said that the patent shall be void unless the patentee agrees to supply all that might be wanted for the service of the Crown. What is the meaning of that proviso if the Crown is free to use the subject of the invention without remonstrance on the part of the patentee? The Crown, however, found itself so hampered with the claims made

by inventors for inventions of very little merit, that they determined eight or nine years ago to try this question. The Court of Queen's Bench thereupon decided that the Crown was not bound by Letters Patent, and that the Crown was free to use any invention which was useful to any Department of the public service. That must be assumed to be good law: but the effect of such a decision is very serious. I will take inventions relating to ordnance, to great guns or ammunition. These are inventions in regard to which the only possible customer is the Crown—there is no one else in this country who wants such articles; and therefore it is merely a question whether the inventor shall apply to the Crown in this country or apply to foreign Governments. If you make it absolutely useless to take out patents here for inventions of that kind, you drive an inventor to conceal his invention in this country and to take it to a foreign country where he may get some reward for it. The policy of such a law may well be doubted. But, on the other hand, I am fully alive to the importance of the Crown being enabled to avail itself of any inventions necessary for the service of the country, free and untrammelled by delay arising from claims that may be unfounded. The obligation of the Crown to provide for the defence of the country is so paramount that if it were necessary that litigation should be settled before the invention were used, the State might be so hampered that serious injury might be done to the public service. Under these circumstances, what ought to be done?—because the state of the law is such that it can hardly be left in its present condition. The Royal Commission took evidence both as to the Army and Navy, and their recommendation was this—

“That in all patents hereafter to be granted, a proviso shall be inserted to the effect that the Crown shall have the power to use any invention therein patented without previous licence or consent of the patentee, subject to the payment of a sum to be fixed by the Treasury.”

I observe that the Gentleman who represented the War Office before the Royal Commission gave it as his opinion that such compensation as the patentee might claim should be settled by the Treasury. We propose to adopt that course, and to provide that there shall be no general exception on the part of the Crown from

The Lord Chancellor

the obligations of patents; but that, on the other hand, any Department of the public service shall be at liberty to use an invention on terms which, if they cannot be arranged between the Department and the patentee, shall be settled by the Treasury.

There is another subject of considerable importance—I mean the expense of obtaining patents. There has been a demand for lowering the fees on patents—which your Lordships will remember I stated to be £5 at first, £20 at the end of six months, £50 at the end of the third year, and £100 at the end of the seventh year. The testimony against reducing the fees appears to me to be overwhelming. The intervals afford opportunities to patentees to consider whether it is worth while to continue their patents or not. If a patent has run two or three years, and it is worth while to continue it, it is also worth while paying what is required. If a patent runs for seven years, no doubt it is worth even the larger fee required. The testimony against reducing the patent fees appears to me to be overwhelming. While the Royal Commissioners differed in their opinions on some points, they expressed a unanimous opinion on this, and they said they did not find the cost excessive, nor the method of payment inconvenient, but they recommended that patent fees should not be made to contribute to the general expenditure of the State until every reasonable requirement of the Patent Office has been satisfied. The Committee of the House of Commons must be taken to have been of the same opinion. There was a division in the Committee on a Motion made to this effect—that the cost of obtaining patents was needlessly high, and the division was 8 against and 3 for the Motion. It is customary with inventors and manufacturers in this country to refer to the example of the United States. I have been told that there the system is very much better than ours, and that we should endeavour if possible to conform ours to it; particularly in two features—it is said that the cost of obtaining patents is much less there than here, and that in the United States there is an efficient staff to conduct examinations previously to the granting of patents. I quite agree that the United States has a very remarkable staff in-

deed; and your Lordships may be interested to hear something about it. I have here the Act of Congress, by which it is enacted that the officers and *employés* of the Patent Office shall consist of one Commissioner of Patents, one Assistant Commissioner, and three Examiners-in-Chief, to be appointed by the President; 1 chief clerk, 1 Examiner in charge of interferences, 22 Principal Examiners, 22 first Assistant Examiners, 22 second Assistant Examiners, 1 Librarian, 1 machinist, 5 clerks of class four, 6 of class three, 50 of class two, 45 of class one, and 1 messenger and purchasing clerk; and besides these, the Secretary may appoint such additional clerks of classes two and one, copyists of drawings, female copyists, skilled labourers, labourers, and watchmen as may from time to time be required. I cannot at all aspire to a staff of that kind, and those who expect us to imitate the United States' Patent Office in this respect must be disappointed. Your Lordships will be surprised to hear the number of patents issued by the United States. I said that we must be an inventive people when we registered 4,300 patents yearly; but in the United States there are yearly 18,000 applications, and of these 13,000 are granted. The United States' tariff for patents seems to consist of many different items, so that it sometimes takes 15 or 16 American patents to cover an invention that would be covered by one English patent. Take, for instance, Mr. Saxby's interlocking signal; it is said that 14 American patents would be required for it:—so that we must not be led away by what appears to be the expense of granting only one patent in the United States. What is the result of the system in the United States? Is it so very excellent? Does the employment of such a large staff, and the adoption of such a prolific system of granting patents work advantageously? One of the Commissioners, in his last Report says, that each Examiner in charge of a class now works entirely without supervision, and the result is that very many applications are hastily and carelessly examined. In 1871, a patent was granted for packing ground hops in air-tight cases. Air-tight cases are not a new invention; and the Commissioner says—"Why such a patent was granted is beyond my comprehension. A mere child could put anything in a bottle, and cover the cork

with sealing wax." Another patent was granted for making shovels of cast iron;—surely that is not new. The Commissioner says—"It is a matter of astonishment to me that such patents are ever granted, and of greater astonishment that extensions are favourably reported upon by the Examiner." These are examples of the kind of patents granted under this system, which is so much commended. And observe what occurs under the system. Your Lordships will have experienced the inconvenience of opening envelopes fastened with a seal; an ingenious American took out a patent for attaching a short string to the corner, by means of which the envelope may be torn open. I have seen cartridges made upon that plan before; still it is a device which it is thought worth while to patent in America. But invention did not stop there; another man, of whose ingenuity it is impossible to speak too highly, took out a patent for tying a knot at the end of the string hanging out of the envelope. As against the system of granting patents in America, and the consequences of it, I think the recommendations of the Royal Commission proceed upon the true ground. The fees which we have now are not too high. I hope Parliament will also be of opinion that they ought not to be made a source of revenue to the country, or that, at all events, they should, in the first instance, be appropriated to the maintenance of a proper Patent Office and Museum. The first demand upon the fees should be for a Museum of Patents. I am bound to say that from all I have heard of the Patent Museum at Washington, it furnishes an example we may well imitate. I believe that both the building and the arrangement of the contents are worthy of the highest praise, and I am sorry to think that at present we can have very little chance of competing with it. I would speak in the highest terms of the arrangement of the Patent Office in Southampton Buildings, and of the accommodation which is provided there in the way of indices, and a library and reading-room; but when I turn to the Patent Museum at South Kensington, I look with astonishment on our position. The last Report of the Royal Commission sets out a Memorial to the Treasury, presented in 1858, to which is attached my name as one of the Law Officers of

the Crown and one of the Commissioners of Patents. The Memorial enters largely into the necessity for proper accommodation for the Patent Museum; it sets forth that it is necessary to have a new building to house models of inventions which are lying scattered over the country, which have been constructed at great expense for legal and other purposes, for which the owners have no present use, and which they would gladly give to the nation if arrangements were made for placing them so that the public could have free and constant access to them. The Memorial further suggested the appropriation of a site at South Kensington. Your Lordships will agree it is important that a Patent Museum should be put upon the best possible footing. I believe nothing can be more conducive to the technical instruction of the people of this country than presenting them with a well-arranged museum of patent models to which they can have proper access, with proper explanations, so that they may be able to trace the progress of manufactures with reference both to patented inventions and to applications that were not granted. The Memorial of 1858 has not been acted upon to this day. What we call a Patent Museum is really a patent warehouse; there is a store in the South Kensington Museum, where there is no room, where there is no light, where there is no arrangement, and where no person can examine a model—and that is termed a Patent Museum. I am happy to be able to inform your Lordships that within the last few days arrangements have been made by the Treasury for obtaining adequate space in the building immediately behind the site on which the Natural History Museum is being erected, and here the models now in the possession of the Patent Commissioners may be arranged and exhibited in such a way that the public can have convenient access to them.

Your Lordships are aware how closely related is the subject of patents with the subject of the copyright of designs. The system of copyright of designs has hitherto been under the management of the Board of Trade. The arrangement now made is to transfer it to the Patent Commissioners. It will be more properly under their care, and considerable compression can then be made in the staff of the two Departments. In ad-

The Lord Chancellor

dition to that, there is a subject which has occupied the attention of Parliament—I mean the registration of trade marks. At different times, measures on that subject have been produced; but it has now become peculiarly pressing for a particular reason—one foreign country at least—Germany—I am told has declined to give protection in its Courts to English trade marks, unless those seeking protection can show that their trade marks have been registered in this country, and thus acquired a status and authority they can recognize. Manufacturers are much alarmed at this, and call loudly for a system of registration of trade marks. A Bill will be introduced by the Board of Trade in the other House for the registration of trade marks; and, if passed, the registration of trade marks will be placed under the Commissioners for the Registration of Patents. I will only add that if your Lordships approve the Bill which I now lay on the Table, and pass it into law, it will produce this further advantage—it sweeps away every other statute on the subject of patents, except that all-sacred clause in the Act of Monopolies, which no person would have the courage to interfere with; and, in the four corners of this measure will be contained the whole law on the subject of Patents. My Lords, I beg leave to move that the Bill be now read a first time.

Bill for consolidating with Amendments the Acts relating to Letters Patent for Inventions *presented* by the Lord Chancellor.

EARL GRANVILLE: My Lords, after the remarkable speech we have just heard, I wish to say one or two words. I think all your Lordships must feel grateful to the noble and learned Lord for having introduced so early a Bill concerning which no party feeling can exist, gone so thoroughly into the whole of this important subject, and given a description so singularly lucid of the state of the law, and particularly of past legislation on the matter. I must also acknowledge the moderation—I may say, the judicial character—of his summary of the opinions of different parties with regard to the principles and application of the Patent Law. The noble and learned Lord has given so clear a statement of the contents of the Bill that probably we shall not have much to learn from

reading it. So far as I apprehend, the chief points are these—the Bill provides that there shall be a sufficient examination of patents before being granted; and this will be done by the addition of five unpaid Commissioners, by the appointment of two, three, or four paid Examiners and a certain number of Referees—I do not think the noble and learned Lord stated the number, and whether they will be paid or not.

THE LORD CHANCELLOR: They are unlimited.

EARL GRANVILLE: It provides for complete and defined specifications, their being subject to the criticism of the public before the patent is valid. And it simplifies the appeal in either case of the grant or rejection of a patent. It also puts an end to the introduction of patents in this country for inventions already in operation in other places, and it prohibits the prolongation of patents beyond 14 years. It provides for a system of compulsory licenses. The provision also of a proper place and building as a Patent Museum is a most important object. I do not mean now to make any remarks on the Bill; but I take this opportunity of saying that it is a matter which I trust will be fully discussed in this House. The noble and learned Lord referred to two or three Blue Books on the subject;—I may mention the evidence taken before the Committee of your Lordships' House in 1851 as also worthy of reference; and I would take leave to suggest that the noble and learned Lord would consider before the second reading whether it would not be well to send the Bill to a Select Committee, not for the purpose of delay, but solely with a view to arrive at sound conclusions on the subject.

THE DUKE OF SOMERSET said, that at any rate the speech of the noble and learned Lord on the Woolsack had completely established one fact—that the present Patent Law ought not and could not be maintained. But while that was evident, it was by no means equally clear that the law on so difficult and complicated a subject could be easily settled and to the satisfaction of so many conflicting opinions. He would defer any general observations on the Bill till the second reading—he would only say now, that if they were going to make a Patent Museum he did not see why, instead of

accumulating everything of the kind at South Kensington it should not be placed at Manchester or Birmingham, or some great inventive, industrial, and manufacturing centre where it would be readily accessible to those engaged in the arts and manufactures of the country. Their Lordships, he was sure, were grateful to the noble and learned Lord for all he had stated to them; but there were some points on which he might wish further explanation. A man thought he had an idea and he must take out a patent, not for anything he had made or done, but for an idea. When he was at the Admiralty an inventor claimed a patent, and his specification included the use of various materials, such as cork, india-rubber, in connection with iron for the construction of ships, but he had made nothing. It was only by the intervention of the Law Officers that that unreasonable claim was set aside. The person who invented those little perforations which separate postage-stamps went to the House of Commons, and a Committee gave him £2,000 instead of a patent. An ingenious gentleman soon afterwards came to him and suggested that instead of round perforations they should be made oval in form, which he thought would be much more convenient. He recommended him to go to the House of Commons, who would no doubt reward him for his ingenuity. The patent screw-propeller was at first square at the corner, but it occurred to an ingenious person that the corner might be cut off, and for that he obtained a patent. So it would be constantly. What he desired to press was that a patent should be granted not for anything that existed in idea only, but for something actually done and workable. He was afraid the noble and learned Lord's experts would not answer the purpose. The difficulty was to find men who could judge of a patent beforehand.

THE LORD CHANCELLOR, in reply, said, that to grant a patent for an idea would be quite absurd, and one of the duties of the Examiners would be to ascertain whether the invention for which the patent was sought came within the subject-matter of the Statute of Monopolies—which clearly an idea could not do. Besides, the patent might be repealed if it were not brought into use within a given number of years

The Duke of Somerset

after it was granted. The noble Duke (the Duke of Somerset) had said that the Referees would not be able to judge whether an invention would be useful to the world or not. That was one of the things which they would not have to judge. He had carefully excluded the question of utility, because nothing but experience could decide whether a thing would prove useful or not. With regard to the question of the experts, to which the noble Duke also referred, what he proposed was that there should be a list prepared with the assistance of the Board of Trade, and re-settled every two years; that this list should be divided into panels, consisting of persons versed in some branch of science—some in chemistry, some in physics, and some in mechanics—and that along with the Examiners to whom the question of the patent was referred should be associated *pro hâc vice* one or two out of those panels who should be paid, not by salaries, but for the particular service on which they were engaged. The manner in which they would be selected would be determined by rules.

Bill read 1st; to be *printed*; and to be read 2^d on *Friday* the 26th *instant*. (No. 15.)

ELEMENTARY EDUCATION PROVISIONAL
ORDERS CONFIRMATION (CAISTER, &C.)
BILL [H.L.]

A Bill to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Caister, Norfolk, and Rochford, Kent, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same—Was *presented* by The LORD PRESIDENT; read 1st. (No. 14.)

House adjourned at a quarter past Seven
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 12th February, 1875.

MINUTES.]—NEW WRIT ISSUED—*For* Stroud, v. Henry Robert Brand, esquire, void Election.

NEW MEMBER SWORN—Hon. David Robert Plunket, *for* The College of the Holy Trinity, Dublin.

SELECT COMMITTEE—Public Accounts, *nominated*.
PUBLIC BILL—*Ordered*—*First Reading*—Adulteration of Food and Drugs * [62].

LABOUR LAWS COMMISSION—FINAL REPORT.—QUESTION.

MR. JOSEPH COWEN asked the Secretary of State for the Home Department, If he can inform the House when the final Report of the Royal Commission on the Labour Laws will be presented?

MR. ASSHETON CROSS: I have communicated with the Secretary to the Labour Laws Commissioners, and I am informed by him that I may expect the Report of the Commissioners to be laid upon the Table of the House some time in the course of next week.

MUSEUM OF PATENTS AND INVENTIONS—SOUTH KENSINGTON. QUESTION.

MR. MUNDELLA asked the First Commissioner of Works, Whether he is able to inform the House of the decision of the Government with respect to the removal of the Museum of Patents and Inventions?

LORD HENRY LENNOX, in reply, said, the Government had decided upon providing a suitable site at South Kensington. The exact nature and extent of that site he would explain in detail when he asked the House to vote money for the purpose of carrying out the decision of the Government.

PRIVILEGE—OFFENSIVE LANGUAGE REFERRING TO IRISH MEMBERS. QUESTION.

MR. SULLIVAN said: I beg to ask the hon. and learned Member for Frome (Mr. Lopes)—and not, as has been erroneously printed on the Notice Paper, the hon. and learned Member for Tyrone—Whether he is correctly reported in "The Times," September 11th, 1874, as having used the following words, referring to certain Members of this House:—

"What was the present position of the Liberal Party? In the House of Commons they were deserted by their Chief, who, by his fitful appearance in the House, disappointed their hopes. They were allied to a disreputable Irish band, whose watch-word in the House was Home Rule and Repeal of the Union?"

MR. LOPES: I had hoped that when the hon. Member described me as the hon. and learned Member for Tyrone he had intended it as a compliment to me. In answer to the Question he has put to me, I beg to state that, so far as my

memory can be trusted in respect of words alleged to have been uttered by me six months ago, in an after-dinner speech, on the occasion of a great and successful Conservative demonstration, I say, so far as my memory can be trusted, I believe, that, in effect, I did use the expressions which have been attributed to me. Sir, if it is any satisfaction to the hon. Member for Louth, who appears to be of a somewhat sensitive temperament, I unhesitatingly say that I never for one moment intended to be personally disrespectful to the Irish Members who sit in this House; but, Sir, I meant then—what I repeat without qualification now—that, in my humble opinion, the advocacy of measures calculated to impair the integrity of the United Kingdom is politically "not creditable." Now, Sir, I use the words, "not creditable," advisedly; and if the hon. Member for Louth, in his leisure moments, will do me the favour to refer to that great authority,—*Johnson's Dictionary*, in three volumes, by Mr. Todd, published in 1827—he will find that "not creditable" is absolutely the only meaning assigned to the adjective "disreputable."

MR. SULLIVAN: I wish distinctly to ask the hon. and learned Member whether he withdraws the language "a disreputable Irish band, whose watch-word in the House was Home Rule and Repeal of the Union?" Are the words withdrawn or not?—As no answer is given, I beg to give Notice that on Monday I shall call attention to this matter on a Question of Privilege.

FRIENDLY SOCIETIES BILL. QUESTION.

MR. DILLWYN (for Mr. DODDS) asked Mr. Chancellor of the Exchequer, Whether he will postpone the Second Reading of the Friendly Societies Bill for a short time, in order that sufficient time may be allowed for its provisions to be read and considered in the Country?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Bill was almost identical with the Bill that was introduced and read a second time last Session. Some few alterations were made in it, being almost entirely in the direction of recommendations of persons interested in these societies. As regarded the principle of the Bill, it had

been so completely before the country, and so well considered, that there could be no reason for delaying the second reading. He admitted there were a good many questions which might arise in Committee, and he therefore proposed that a considerable time should elapse between the second reading and the subsequent stage. Taking the second reading on Monday, he would not fix the Committee till the 8th of March.

SIR CHARLES W. DILKE said, he hoped the Chancellor of the Exchequer would not press the Bill so hastily, and in saying that he was expressing the feeling of many hon. Members. He was sure opposition would be offered to proceeding with the Bill on Monday.

THE QUEEN'S SPEECH.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Lord HENRY SOMERSET) reported Her Majesty's Answer to the Address, as follows:—

"I return you My heartfelt thanks for your loyal and dutiful Address.

"I rely firmly, as heretofore, on your careful consideration of the Measures that may be submitted to you, and I will willingly co-operate with you in promoting whatever is conducive to the happiness and contentment of My People."

STROUD WRIT.

MOTION TO ISSUE NEW WRIT.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry Robert Brand, esquire, whose Election has been determined to be void."—(*Mr. Adam.*)

MR. CHARLES LEWIS, on rising to move an Amendment, expressed a hope that if any hon. Member thought a renewal of the discussion of the important question involved in this Motion was rather hard upon the House, and somewhat unauthorized on his part, this feeling would soon be dissipated. Before the previous debate he had unavoidably had little opportunity of becoming acquainted with the precedents which bore upon the subject. He acknowledged, indeed, that he had been quite unprepared to find the question taken up on

the constitutional grounds on which it was debated. Since then he had had an opportunity of fortifying himself with precedents which he hoped would be regarded as decisive. He had, however, to point out that the Motion which he now put to the House was a totally different one from that which he presented on the former occasion. He now asked the House to consider whether it ought not, at all events, to pause till it had read the evidence taken at the trial of the recent Election Petition before authorizing the issue of a new writ. He had to ask the indulgence of the House while he referred to a matter personal to himself. It would be in the recollection of the House that after he had replied on the debate the other night, the right hon. Gentleman the Member for Pontefract (Mr. Childers) took what was a perfectly lawful, but, at the same time, a very unusual course in alluding to the precedents which he (Mr. Lewis) had made in his speech, and stated to the House that, on his investigation of the Stafford case, he found that it told against his (Mr. Lewis's) argument rather than in favour. That right hon. Gentleman alluded to the three Bills of Disfranchisement which were presented to the House of Lords, and stated that directly the Disfranchisement Bill in regard to Stafford was thrown out, the writ was issued. The right hon. Gentleman was reported—he believed correctly—to have used these words in the previous debate—

"In 1836 it (the Disfranchisement Bill) was introduced for the third time, and carried by the consent of almost the whole House, but it was rejected by the House of Lords; and as soon as it had been rejected, a writ was moved for. So that the precedent, instead of supporting the hon. and learned Member, told the other way."

Now, the facts were these—The Disfranchisement Bill in the case of Stafford was thrown out by the House of Lords on the 29th of July, 1836. The House of Commons then took the usual course of having the Journals of the House of Lords searched, and the matter was entered on the Journals of that House on the 11th of August. It was true that on the 11th of August the writ was moved for; but instead of its being granted, the fact was, that it was suspended by the House of Commons. Now, nothing more unfortunate to him and to the cause he was endeavouring to advocate

The Chancellor of the Exchequer

could have occurred than that incorrect statement of the right hon. Gentleman made just before the division the other evening, and he believed it had an important influence on the votes of many hon. Members. So strong was the opinion of the House, that although the Disfranchisement Bill had been thrown out, it had a discretion to suspend the writ, that a Motion was carried by 45 to 5 in favour of suspending the writ until 10 days after the commencement of the next Session; and then, on the writ being moved for, it was carried by the narrow majority of 1—or by 152 to 151. Voting in that minority of 151 they had some men of great distinction in that House—among others Sir George Grey, Lord Ebury, Mr. Bernal, Sir Francis Baring, the right hon. Gentleman the Member for Liskeard (Mr. Horsman), the late Lord Taunton, the present Duke of Somerset, and Sir Harry Verney. Having been told the other night by the Prime Minister and the hon. and learned Member for Oxford (Sir William Harcourt) that he was asking the House to take a most unconstitutional course, and one interfering with the liberties of the people, he referred to the Stafford case as justifying him, not only in the Motion he made the other evening, but in now asking the House so far to reconsider the question as to stay its hand until the evidence taken at Stroud had been printed. It had been urged, and it would probably be repeated, that when the Election Petitions Acts passed, that House gave over the staff of authority to the Election Judge. He hoped that argument would be recollected when they had the Continuance Bill presented to them in the course of that Session. Knowing what was the temper of the House, he doubted whether, when it passed the Election Petitions Act of 1868, it intended to surrender one of its long-established and most cherished privileges into the hands of one man, however eminent, from whose decision there was no appeal, who was as amenable to bias as any of his fellow-creatures, who was liable to make mistakes, and who had none of the infallibility which was imputed to, but never claimed by, the noble Lord who sat near him (Lord Robert Montagu). According to the argument used the other night, they had only to ask Mr. Speaker for what day he would fix the

election, and although a Motion was made in that House for the issue of the writ, they would be doing an unconstitutional thing if they voted against it. Had they not really the same privilege now as they had before, or was the thing a mere empty formality, like the *congé d'élire* in the case of the election of a Bishop? They had to go back, not to the Election Petitions Act of 1868, but to the Corrupt Practices Act of 1852, in order to test that question. The Corrupt Practices Act of 1852 was the Act under which Commissions of Inquiry into electoral corruption were initiated. It was then enacted that upon the Report of an Election Committee that corrupt practices had prevailed, or that there was reason to believe they had prevailed, then, on an Address to the Crown from both Houses of Parliament, a Commission would issue. The only alteration made by the Act of 1868, was to substitute an Election Judge for an Election Committee. There was no other difference whatever. There was nothing in the Act, or in the form of the Act, in any way infringing on that discretion of the House of Commons which had been exercised over and over again both before and since the passing of the Act of 1852. But it was said that because in extreme cases of corruption, there was to be a proceeding taken previous to disfranchisement, in cases of less aggravated corruption the House had no discretion to suspend the writ for a day or for a Session of Parliament. It was of the most vital importance in the consideration of this question, to bear in mind that Government itself had in analogous circumstances taken the very course which he now recommended. In 1859, there was a Petition against the two Members for Gloucester. The two Members were unseated, a Commission of Inquiry was issued, and the Report was laid on the Table of the House on the 24th of January, 1860. He entreated the attention of the House to this fact, that not by the action of any private Member, but by the interference of the Government of the day—the Government of Lord Palmerston—after that Report was presented, there not being a sufficient case for disfranchisement, and no proposal of disfranchisement, the House suspended the writ for two whole years. He would refer to the volume of *Hansard* for the year

1861, in which the late Mr. Thomas Duncombe—who always contended that, however much bribery might be proved against a constituency, they had a right to a writ *instantur*, unless disfranchisement was proposed—was reported to have asked the then Home Secretary (Sir George Lewis)—

“Whether the Government intended to bring in a Bill in regard to Gloucester and Wakefield.”—[3 *Hansard*, clxiii. 1070.]

Sir George Lewis replied that—

“It was not the intention of the Government to bring in any measure with respect to those boroughs; that the course they had taken had been taken deliberately; and that, as far as the Government were concerned, they intended to withhold the issue of the writ during the present Parliament.”—[*Ibid.*]

That, he admitted, was not after the passing of the Election Petitions Act of 1868; but he challenged any legal Member of the House to say whether the effect of the Act of 1868 had been greater or higher than this—that for the old Election Committee of five Members was substituted an Election Judge, who had all their powers, statutory and otherwise. He now came to another branch of the argument. Supposing there had been any alteration made by the conjoint effect of the Act of 1852 and the Act of 1868, was it to be solemnly maintained that, when on the face of the Report of a Judge, the trial of an Election Petition had not been complete, but had been interrupted by the withdrawal of the person petitioned against, and the hand of the Election Judge appointed by statute had been paralyzed by the abstention of the parties, therefore the House was precluded from proceeding any further in the matter, unless it was proposed to disfranchise the borough? He was in a position to show that in neither of the Petitions was the Election Judge able to make a complete inquiry. He found it stated by Baron Bramwell, in reference to the first Petition, that there was evidence of many persons having been guilty of corrupt practices at the election, but that the respondents gave up their defence, saying that they saw that the determination must go against them, and therefore certain evidence that might have been produced was not in fact produced. With respect to the second Petition, Baron Bramwell also reported that there was evidence of bribery against other persons, but that,

as the respondent, Mr. Dorrington, had withdrawn from the defence of the seat, he did not think he ought to report that bribery had been proved against them. In the case of the third Petition, the Judge also reported that, as the claim for the seat had been struck out of the Petition, the evidence of corrupt practices was necessarily confined to such acts as could be proved against the respondent's party; in other words, that the petitioner had found it desirable not to press his claim to the seat, lest retaliatory evidence should be brought forward. On the face of those Reports, therefore, it appeared that not one of the three inquiries was complete, because of the action of persons who feared to allow the investigation to proceed. Under those circumstances he would, he thought, be committing an outrage on the common sense of the House if he endeavoured to press the point any further on its attention, or to lay further stress on the arguments which, in his opinion, should induce it to vote against the issue of the writ. It had, indeed, on a former night, been said that if the House intended to take any further steps against the borough of Stroud, that might be a good reason for withholding the writ; but that otherwise, no sufficient reason existed. Now, he would, he thought, be able to show that the House possessed, in the present instance, the power, under statute, to take further steps; and if ever there was a case in which the House ought to be careful to do nothing which would lead people out-of-doors to suppose that the extension of the franchise had rendered it less careful with respect to maintaining purity of election, it was that, he contended, which it was now engaged in discussing, in which, in consequence of corrupt persons having been permitted to go throughout the length and breadth of the constituency, a borough which had once been pure, and which had returned eminent persons to Parliament, had been polluted, degraded, and defiled. Unless, therefore, the House wished to impress every constituency in the Kingdom that its desire to put down bribery had been destroyed by recent events, he most earnestly implored of it to take time to deliberate on the question as to the exercise of the power which it undoubtedly possessed under the statute of 1852. By the Corrupt

Mr. Charles Lewis

Practices Act of that year, which enacted that on the joint Address of both Houses, a Committee of the House of Commons might be appointed to try an Election Petition, or to inquire into the existence of corrupt practices at any election or elections, reference was made to two tribunals—the ordinary Election Committee, or a special Committee of the House appointed to inquire into those practices. Now, it would be found that under the Election Petitions Act the Judge was substituted for only one of those tribunals, and that the other had not been destroyed. The 15th section provided that, where the Judge reported that he had reason to believe that corrupt practices had extensively prevailed in any county or borough, such Report should have the same effect and be dealt with in the same manner as if the Report had been that of a Committee of the House of Commons appointed to inquire into an Election Petition. It was therefore clear that the special Committee which might even now be appointed to inquire into the existence of corrupt practices at elections, and to which he had referred, was left undealt with and undestroyed, although it was no part of his case to show whether the House ought or ought not to appoint such a special Committee in the present instance. He would, however, beg of the House to abstain from issuing the writ, in order that it might have an opportunity of carefully considering the evidence which had been given before Baron Pigott, and then it would be for the House, under the advice of its recognized Leaders, to say whether there was sufficient evidence in the course of one of the longest trials under the Act to justify its further action. He would now, with the permission of the hon. and learned Member for Oxford (Sir William Harcourt), ask the House to let him read another letter. It might, of course, be objected to such a course, as it had been on a previous night, that it was below the dignity of the House to listen to what was termed “street gossip,” or to paragraphs in newspapers which were anonymous. But he had got great historic authority in favour of anonymous communications, both in and out of the House. At all events, he would go a little further than the hon. and learned Gentleman. The writer was a clergyman, and that destroyed, at all events,

a little of his anonymous character. The communication was rather odd, but its very oddness of expression was perhaps in favour of its truthfulness. The writer said that the injury which had been done to trade in Stroud because of the recent election contests was fearful, inasmuch as the money had been spent on Petitions which would otherwise have gone into the pockets of the tradesmen, and that delay in the payment of their bills was frequently sought to be justified on account of the subscriptions for the purpose of Election Petitions which had to be paid, while party spirit had in many instances caused tradesmen to be deserted by their customers. Now, that was a state of things which it was only natural to expect. Then it was asserted from the front Opposition Benches that the House of Commons had no special right to deal with a case relating to the representation of the people in Parliament. The House was told the other night that for the House of Commons to act without the co-operation of the other House and the Crown would be an infringement of the liberty of the subject, and they were appealed to not to allow such a monstrosity. He (Mr. Lewis) confessed that when he heard the speech of the hon. and learned Gentleman the Member for Oxford the other night he was reminded of something he said out of the House not very long ago in one of those touching monologues with which he entertained his constituents when celebrating so joyfully the defeat and disaster of the party to which he belonged, and in which he claimed with his own hand and pen to have written a new page and chapter of fulfilled prophecy with regard to the disaster which had befallen his own friends. The hon. and learned Gentleman on that occasion made use of some remarkable expressions. He said that the Liberal party had suffered from too much physic—too many potions and too many pills. He went on to say that if they were again to be restored to good health they must have administered to them a few grains of the salt of common sense. He could not help thinking that one of the conditions of the success of that advice was, in the hon. and learned Gentleman's opinion, that he should himself be the head physician. But, as he now found himself not to be in that position, perhaps he would condescend to administer a few

grains of common sense to the House of Commons instead of to his party. For his own part, he asked the House to decide the question on the grounds of common sense. It had the right and privilege to say that the writ should not be issued, for it was absurd to contend that it was to be bound hand and foot by the Reports of Election Judges. He did not believe that was a position, when it gave up its privilege of trying Election Petitions to the Judges, the House of Commons ever meant to occupy; and, as the Amendment which he had risen to move was a temperate and a moderate one, he trusted the House would not, by refusing to agree to it, rejoice the hearts of men who lived by bribery and corruption, and perpetuate the misery of many households in Stroud which required peace. He hoped the House by its verdict would prove that it was not careless about one of its highest and most cherished privileges, and one of its most solemn duties—the protection of the purity of our system of Parliamentary representation. The hon. and learned Gentleman concluded by moving, as an Amendment to the Motion—

“That no new Writ be issued for the Election of a Member of Parliament for the Borough of Stroud until three days after the printing and distribution among the Members of this House of the evidence taken upon the trial of the Petition against the return of the late Member which took place before Baron Pigott.”

MR. R. YORKE, in seconding the Amendment, observed, that the case of Stroud was so peculiar, that he was sure the House would re-consider the opinion it formed the other night, which was, that it should not be treated on its merits, but should be judged solely in the light of precedents. He would not attempt to go into the question of precedents. That he would leave to the legal Gentlemen on either side of the House, who were so well qualified to deal with it. But he would remark that if precedents were always to be followed in these matters, the range of the discretion of the House would be seriously curtailed. The duty of the Judge who tried an Election Petition was first to inquire into the character of the candidate, in the next case into that of individual electors; and, thirdly, into that of the constituency as a whole. In the present instance, the Judge had reported against

individual electors, but he had pronounced in the candidate's favour, and had acquitted the constituency generally. Now the House of Commons had indisputably the power of issuing a Commission of Inquiry when corrupt practices were reported to prevail, and he maintained that it had also the power of suspending a writ, otherwise, as the hon. and learned Gentleman who had preceded him remarked, why was it asked that evening to say “Aye” or “No” on the question? Although it was included in the range of the Judge's duty to try the question of the general purity of a constituency, it was the interest of all parties concerned to contract the scope and minimize the amount of matters submitted to his decision. In most cases, if the Judge had the materials at all for judging of the general purity of the constituency he got them only indirectly. No sooner had the petitioner proved his case, were it only as much as direct bribery to the amount of 2s. 6d., than the defendant's counsel threw up his brief, and the whole matter, by common consent, came to an end. It was unnecessary to refer to the Reports of the Judges in the three Election Petitions at Stroud to prove that this was the case with regard to that constituency. And the case of a constituency or of individuals who had yielded to a first temptation, was very different from that of a constituency or individuals who were found again and again resorting to vicious courses. Only the other day there came before one of the Metropolitan magistrates a “young lady” who had taken something from a shop and sold it, and she was let off to come up for judgment again when called upon. Now, if she had been an habitual thief—and Stroud had, unfortunately, proved itself to be an habitually corrupt borough—the sentence would no doubt have been a severe one. Unfortunately, it seemed that the House of Commons was not very vigilant in exercising its functions, even when corrupt practices were reported to prevail in a constituency. Against the borough of Boston corrupt practices were reported in June last year, and up to the present time no action had been taken on the Report, either by the Government or any other party in the House of Commons. It thus appeared that when corrupt practices were reported, it was by no means the rule that a Commission of In-

Mr. Charles Lewis

quity should at once be issued. As to the case of Stroud, he would venture to predict that if the writ was suspended, even for a comparatively short time, it would be accepted by the inhabitants of the borough as a warning that they had nearly reached the limits of the patience of the House of Commons. He believed that the suspension of the writ, if only for a short time, would do the constituency a greater service by allowing their better feelings to re-assert themselves, than any other action that the House could possibly take. It was to be recollected that the last Reform Bill, excellent though it was in many respects, introduced a very large number of persons into constituencies such as that of Stroud, who were peculiarly amenable to temptation of the kind attending elections. Anyone who knew anything of Stroud during the past year, must be aware that for weeks together, it became the practice for men to walk about, sticking up handbills and protecting them against the other party, for wages perhaps double what they would have earned by honest labour. He had thought it right to again address the House on this subject, in the hope that at the eleventh hour it would give Stroud one more chance of redeeming its character, and he believed the strength of the case which had been brought forward by the hon. and learned Gentleman who had preceded him was sufficient to entitle him to meet with success.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no new Writ be issued for the Election of a Member of Parliament for the Borough of Stroud until three days after the printing and distribution among the Members of this House of the evidence taken upon the trial of the Petition against the return of the late Member which took place before Mr. Baron Pigott,"—*(Mr. Charles Lewis.)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHILDERS would only remark with regard to the Amendment that while the hon. and learned Member who introduced it (Mr. Lewis) was quite prepared last Tuesday to disfranchise Stroud without reading the evidence, his proposal, now that he had been beaten, was that the writ should not be issued

until the House had gone through that process. The hon. Member who seconded him had endeavoured to illustrate the different degrees of criminality in corrupt boroughs by the case of a young lady against whom there was a certain charge, but whose pleasing appearance and respectable connections had induced the magistrate to let her go back to her friends. He hardly thought the inhabitants of Stroud would feel flattered by the contrast which the hon. and learned Member had attempted to draw, involving as it did the suggestion that their appearance was displeasing and their connections disreputable. With regard to Stafford, if he had not correctly stated the facts of the case on the previous occasion he would now have apologized to the House; but he thought that when they had heard what he had to say they would find that the case of Stafford as against the proposal for suspending the writ was much stronger than he had put it. What happened on Tuesday was this. It was proved by the Solicitor General that the precedents were entirely against the course proposed to be taken by the hon. and learned Member for Londonderry, who, nevertheless, in his reply, referred a second time to the case of Stafford, as if the arguments which had been used in reference to that case were in his favour. At the end of the debate he (Mr. Childers) stated off-hand the facts in reference to Stafford, and on the present occasion the hon. and learned Member implied that he misinformed the House in one respect, by leaving it to be inferred that, the Disfranchising Bills having failed, the writ was then and there immediately issued. What he stated was that, the last of the Disfranchising Bills having failed, the writ was issued; and it did not occur to him to have to explain more minutely that the last Bill having been thrown out at the very end of one Session, the writ of election issued a few days after the commencement of the succeeding Session. The facts in relation to Stafford, stated more fully, were these. At the election in 1833, a prodigious amount of bribery was committed, and two Petitions were presented, but both fell through, so that the two Members continued to sit. Thereupon a Bill was passed to indemnify witnesses who might come forward and give evidence before a Committee which should inquire gene-

rally into the corruption of Stafford. That Committee was appointed in 1833, and at the close of its sittings reported that open, general, and systematic bribery having been proved, Stafford should, in the opinion of the Committee, cease to return Members to Parliament. The Chairman of the Committee, Sir Thomas Fremantle (now Lord Cottesloe), was instructed to bring in a Bill to disfranchise the borough. He acted upon that instruction; but the Session had, at the date of the introduction of the measure, advanced so far that the measure was not further proceeded with. The measure was re-introduced on the 11th of February in the following year and passed by the House; but on its being carried to the House of Lords their Lordships proceeded no further with it. The same fate befel a similar Bill introduced in 1835. It passed the Commons, but made no progress in the House of Lords. In 1836 it was brought in for the fourth time, and carried in the House of Commons by 53 votes to 6. It was then sent to the Lords, who for a month took no steps in reference to it. At the end of that time their Lordships appointed a Committee of Inquiry, who at the end of other two months proceeded to take evidence, and, finally, on the 29th of July, their Lordships rejected the Bill. A Motion was then carried in this House that the issue of the writ for a vacancy which had meanwhile occurred be suspended for a week to await the decision of Parliament upon a second Bill, the object of which was to disfranchise the burgesses of Stafford as distinguished from the householders and freemen—it having been proved that of the 850 burgesses no less than 700 had been bribed. That Bill was introduced in the House of Lords, and on the 4th of August was also rejected. It was then ordered that the writ should not issue until 10 days after the commencement of the following Session, the object of this being that those who had brought in the previous Bills might have an opportunity of considering and deciding whether or not they would bring in any further Bill in the following Session. On the 13th of February in the following year the question of issuing the writ was raised, and Sir Thomas Fremantle said—

“The real subject matter for their deliberation was, whether if a Bill were brought for-

Mr. Childers

ward for the disfranchisement of Stafford, there was a reasonable prospect of carrying the Bill. If his hon. Friend the Member for Exeter—who had moved in the matter—“was prepared to say that he was ready to bring in a Bill for the purpose, and that there was a reasonable prospect of carrying it, he (Sir Thomas Fremantle) would vote for suspending the writ until the end of this Parliament; but on the grounds on which his hon. Friend had placed the Amendment, he could not in justice to his own feelings, and in accordance with his sense of duty, vote for it. . . . The continued suspension of the writ would be inconsistent with the principles of the Constitution.”—[3 *Hansard*, xxxvi. 450-1.]

This was precisely what was said on Tuesday night in opposition to the proposal of the hon. and learned Member for Londonderry. When it became clear that no further Disfranchising Bill was to be introduced the writ was issued. Therefore, it seemed clear that the precedent of Stafford, which was so strongly relied on by the hon. and learned Member, was opposed to the proceeding which he asked the House to take.

MR. STAVELEY HILL said, that as the hon. and learned Member for Londonderry (Mr. Lewis) had challenged the House to draw a distinction between the state of things now existing and that prior to 1868, he would draw attention to a most important one created by the Act of 1868. He was one of those who last year thought it was desirable that the writ should be suspended with a view to other proceedings; but the House, after considering the Report of the learned Judge who tried the last Petition, did not come to that conclusion. The Act of 1852 provided that when the Committee reported that corrupt practices prevailed a Commission should issue, and the issue of the writ was suspended; the Judge under the Act of 1868 was put in the place of the Committee. The whole power of the Committee of the House of Commons had been handed over to the Election Judges; whether it had been beneficial or not he would not then stop to inquire: but the 13th section of the Act of 1868 provided that the House, when informed of the certificate of the learned Judge, should order the same to be entered on their Journals, and give the necessary directions for confirming or altering the return, or issuing a writ for a new election, or for carrying the decision into execution, as circumstances might require. The House was now completely

bound hand and foot to the decision of the Judges to whom had been handed over these matters. In the present case the learned Judge had reported that there was no reason to believe that corrupt practices extensively prevailed in the borough of Stroud at the last election, and therefore he held that the House had no right to withhold the issue of the writ.

MR. FORSYTH said, that although he felt strongly inclined to support the Amendment, there were reasons why he could not do so. To adopt in that House a practice of reviewing and possibly reversing the decisions of Judges appointed to try election petitions would only have the effect of utterly destroying the authority of the tribunals created by Act of Parliament. If any such practice was to be adopted, then it would be better at once to repeal the Act under which the Judges were appointed. Let it be assumed for a moment that the House was satisfied the Judge was wrong, and ought to have decided that there was extensive corruption; he (Mr. Forsyth) said the House had no power, under the Act of Parliament, to issue any Commission at all. The Act of 1868 provided that if the Judge reported that he believed corrupt practices had extensively prevailed, that Report should have the same effect and might be dealt with in the same manner as a Report of a Committee of the House of Commons under the Act of 1852. Therefore, the Report of the Judge was to have the same effect, and no more, than a Report of a Committee under the Act of 1852. The first section of that Act enacted that when a Committee appointed to try an Election Petition reported that corrupt practices had extensively prevailed, and the Houses of Parliament presented a joint Address to the Crown for the issue of a Commission of Inquiry, then, and then only, a Commission should issue. Suppose the House came to the conclusion that extensive corruption prevailed in the borough of Stroud, the House was powerless, except to suspend the writ. It could not by law issue a Commission. No doubt it could suspend the writ. He would not go into the argument, which was fully exhausted the other night, as to the power of the House to suspend the writ; but he would say this—that the argument satisfied him there was no prece-

dent of the House having suspended a writ unless some definite action was to be taken after the suspension had been voted by the House. The only other possible ground that could be urged for the suspension of a writ was that there was political and social excitement in the constituency. He did not believe his hon. and learned Friend the Member for Londonderry (Mr. Lewis) would be able to point to a single precedent where the House of Commons, because there was excitement in a constituency, suspended a writ. For these reasons, he should, although with reluctance, vote against the Amendment of his hon. and learned Friend.

MR. MILLS said, he thought it would be simply ridiculous to waste time on a Motion to do that which the House of Commons had no power to do. But though they could not issue a Commission they had clearly the power to suspend this writ. They were told that a certain right hon. Gentleman was to appear at Stroud who would be agreeable to all parties; but he (Mr. Mills) doubted the likelihood of that now that that right hon. Gentleman's address had been published. It was a very long document, but might be compressed into one line of 10 words, and the moral of it was—"Politics not so much an object as a quiet seat." He (Mr. Mills) believed there were honest Liberals and honest Conservatives in Stroud, and he gave them credit for wanting to fight out their battle. As he thought the longer that battle was delayed the better, he should vote for the Amendment of the hon. and learned Member for Londonderry.

SIR WILLIAM HARCOURT said, the hon. and learned Member for Londonderry (Mr. Lewis) had reminded him that he pronounced an eulogium on common sense which seemed to have attracted the hon. and learned Member's attention. It was quite true that he estimated common sense very highly, and it had taught him several things. It had taught him, in the first place, that the House of Commons had better be guided by the decisions of Her Majesty's Judges, to whom they had referred these questions, rather than by the opinions of anonymous writers, even though they happened to be present. It had taught him, in the second place, that these debates gained nothing by bandying personalities. It had taught him that when

they were discussing a serious question, it was better to address themselves to those things which had to do with the question rather than those which had not. In the case of Stafford, to which his right hon. Friend the Member for Pontefract (Mr. Childers) had referred, the writ was suspended over and over again in the hope that the House of Lords would pass a Disfranchising Bill. As soon as that hope was dispelled, the House of Commons felt it was not at liberty to suspend the writ. The House of Commons could say to the House of Lords—"You have three times refused to pass a Disfranchising Bill, therefore we take the matter into our own hands and issue the writ." The hon. and learned Member, who was very unfortunate in his precedents, was equally inaccurate in his statement of the case of Wakefield. Now, the case of Wakefield was a peculiar one. There had been a Committee, which had reported extensive corruption. There had been a Commission, founded upon the Report of the Committee, and the writ for Wakefield was suspended from time to time for various reasons; but during the whole of that period legislation was either, in fact, going on or contemplated, which affected the issue of that writ. The first legislation which was contemplated was in the year 1860. A Motion was made for leave to bring in a Bill

"to make provision that, at the Election of Members to serve in Parliament for the city of Gloucester and Borough of Wakefield, the Electors thereof give their votes by way of Ballot,"

and that Motion was negatived. After that there were various other grounds of legislation alleged for suspending the Wakefield writ. Sir George Lewis, when he moved, in February, 1861, that the writ should not issue without seven days' notice, said—

"It was the intention of the Government to introduce a measure founded upon the Report of the Committee of last Session on the Corrupt Practices Act . . . and the House would decide whether the measure should be retrospective.—[3 *Hansard*, cli. 247.]

That measure provided that in cases where a Commission had reported that a constituency was corrupt the writ should be suspended for five years. That was a legislative Act to give the very power which the hon. and learned Member for Londonderry called upon them to give that evening. Sir George

Lewis said that, though the Government had not introduced a Bill with a retrospective operation with respect to Gloucester and Wakefield, it would be competent for the House to make such alterations in the Bill as would give it a retrospective operation; and this was what the hon. and learned Member said was suspending the writ without the concurrence of the Legislature. On the 28th of June, 1861, Sir George Lewis said it would be competent for the House to suspend the writs for boroughs in the same position as Gloucester and Wakefield for five years, and to include those boroughs in the Bill. That Bill did not pass. In February, 1862, a new writ for Wakefield passed without opposition. The hon. and learned Gentleman the Member for Londonderry said his Motion was different from that which he made the other night. It was really very different, and, if possible, more irregular. If they wished for the evidence, he (Sir William Harcourt) wanted to know what they were to do with it when they got it. If the hon. and learned Member wished the House to discuss that evidence, and to come to a decision the opposite of that of the Judge, he wished the House to exercise a privilege which gentlemen at the Bar did not think themselves entitled to exercise with reference to the decisions of Judges. Was the House to say that witnesses whom the Judge had seen and whom the House had not seen were credible witnesses, although the Judge said they were not; or, on the other hand, was the House to say that witnesses whom the Judge had seen and whom the House had not seen ought not to have credit given to them, although the Judge believed that they were credible? He would yield to no man in his high estimation of the House of Commons, of which they were all so proud. He believed it to be the best legislative Assembly in the world, but he believed it to be the worst judicial body you could form. The House had been of that opinion itself. He felt the scandal of these discussions and the votes to which they gave rise as long ago as the last century, when the Granville Act was passed for referring Election Petitions to the Committees of the House. The hon. and learned Member for Londonderry wanted to bring back the House to such a state of things as existed in the days of Sir

Sir William Harcourt

Robert Walpole. The House not being satisfied with the trial of Election Petitions by Committees had transferred the subject to the Judges. The hon. and learned Member was dissatisfied with the Judges and with the Election Petitions Act; but he (Sir William Harcourt) ventured to point out to him that, if he was dissatisfied with the Judges, the constitutional course for him to adopt would be to repeal the statute by the assent of the Legislature, and not to evade and set it aside by a Resolution of the House of Commons. Why were Money Bills sent up to the House of Lords and passed through Committee although that House had no right to alter them? The very meaning of the word "unconstitutional" was doing a thing which you might do, but which you ought not to do, if you acted in conformity with the spirit of your institutions; and it had been determined to be a part of the Constitution of this country that when a statute had been passed it could not be got rid of, except by repealing it; yet the hon. and learned Member for Londonderry asked the House of Commons to determine that one Chamber could overrule a legislative Act. What did the hon. and learned Member propose to do when the evidence had been laid before the House? The hon. Member for Carlisle (Sir Wilfrid Lawson) spoke of lawyers the other day in a not very respectful manner, and a sentiment of that kind was always sure to evoke much popular applause; but the hon. and learned Member for Londonderry now wanted to convert the House of Commons into a Court of *Nisi Prius*, where all the lawyers were to pull the evidence to pieces and to address the jury upon it, although he was afraid the House would not have the benefit of the summing up of the right hon. Gentleman in the Chair. The House would, in fact, be a jury summoned by the division bell and marshalled by the "Whip." That was the manner in which the hon. and learned Member appeared to think that the dignity and character of that House was to be maintained before the country. As his hon. Friend the Member for Marylebone (Mr. Forsyth) had justly remarked—"If you can go behind the Judge for one purpose, you can go behind him for all purposes." When the Judge had unseated a Member, the House of Commons might move for the evi-

dence and re-seat him. When the Judge had declared people to be guilty of bribery, the House might move for the evidence and declare them to be not guilty. If the House could disregard the Judge's finding with respect to a constituency, it might disregard it also with reference to the voters. Therefore the litigious spirit which, as everybody so much regretted, had crept into the borough of Stroud was, under the auspices of the hon. and learned Member for Londonderry, to be introduced into the House of Commons. The hon. and learned Member for Londonderry said a case under the Election Petitions Act was just like a case under the Act of 1852, when Commissions were first authorized to be issued. But the fact was that, as soon as the Act of 1852 was passed, a warning was addressed to Parliament by one who was no longer alive, but whose opinion on such subjects would be listened to with respect in that House, and even by Members who sat on the Conservative benches. In the Canterbury case, Lord Lyndhurst said—

"It had been their object—a Constitutional and Parliamentary object—to prevent, as far as possible, the House of Commons and this House from exercising any judgment in the case of elections. And why? Because such questions were in general decided upon party motives and as party questions. That was the ground upon which the Grenville Act was passed, and here they were laying down precedents which might be very mischievous, giving the House of Commons the power of saying that, as the Committee had not found that which was necessary to support the issuing of the Commission, they would put a construction upon the Report of the Committee which would bring it within the meaning of the Act of Parliament. He warned their Lordships against the consequence of that proceeding. His experience of Courts of Justice led him to this conclusion. . . . The noble Earl had said that their Lordships ought not to look to the evidence taken before the Committee to supply its defect. Undoubtedly their Lordships had nothing to do with the evidence for this purpose. Nothing could be more clear than that; though the evidence should show corruption to the greatest extent, they could not supply the defect in the Report. It was the Committee that ought to have drawn the conclusion. They ought to have reported in the words of the Act of Parliament; but, as they had not done so, their Lordships could not, by construction, supply the deficiency."—[3 *Hansard*, cxxv. 906.]

That related to the Canterbury case, which occurred in the first year after the Act of 1852 was passed. In the Clitheroe case, where the House of Commons addressed the Crown for a Commission, the

House of Lords declined to join in the petition, and Lord Lyndhurst said—

“Their Lordships had no right whatever to refer to the Report of a Committee, or to its evidence, for the purpose of extending or varying the terms of that Report. He begged to assure their Lordships that that was no mere technical point, but that it, in effect, embodied a principle—the very principle upon which the Act of last Session was founded.”—[3 *Hansard*, cxxv. 1110.]

In the same case Lord Redesdale said—and the remark came with great weight from a person of his great Parliamentary experience—

“The true and only mode by which to secure a borough against an unjust, and oppressive, and tyrannical decision of a majority in Parliament was to say that they would insist upon the Report of the Committee containing the precise words used in the Act of Parliament. . . . Parliament has of late years passed several stringent enactments in order to prevent Party decisions of matters of this description by Election Committees, and to secure impartial judgments. If the Committee appointed to inquire reported that bribery had ‘extensively prevailed,’ it would be known that they intended to subject the borough to an inquiry; but if the Report did not contain these words, the borough should be saved from such an inquiry being issued against it by the tyranny of the Party which commanded a majority in the other House of Parliament. By insisting upon this, not only would their Lordships’ House give protection to those who required it, against the possible oppression of a majority of the other House, but they would save themselves from having perhaps very awkward and difficult questions sent up to them in times of great excitement and high political feeling.”—[*Ibid.* 915.]

These were considerations which every Party would do well not to forget. There was another case—that of the Dublin freemen—in which the proceeding was rather exceptional. The House of Commons sent up an Address for a Commission because the Judge reported extensive corruption among the freemen, though not in the whole constituency. In the course of the debate the right hon. Gentleman the Secretary of State for War (Mr. G. Hardy) said—

“It was most imperative that the House should confine itself to the Report of the Judge.”—[3 *Hansard*, xciv. 1278.]

And the present Lord Chancellor said on the same occasion—

“What the statute has done is to interpose the Judge as the person who is to decide what is meant by the word ‘extensively.’ It is not that Parliament is to read the evidence, and form its own conclusion whether the bribery has been extensive or not; if that were so we might have those very painful discussions renewed in both Houses which politicians on all sides have long since endeavoured to sweep away from the action

of Parliament—we might have Members coming down arguing on the Report as to whether or not the corrupt practices alleged had been ‘extensive.’ You have had the Judge interposed to avoid the whole of that scandal.”—[3 *Hansard*, cxvii. 1396.]

If this were a case of possible, or probable disfranchisement, he would not maintain—he had never maintained—that the House of Commons could not permit independent measures of its own. They might bring in a Bill, as they had done before, founded on the peculiar circumstances of the case, and proceed to regular action in this matter. But the hon. and learned Member for Londonderry had never attempted anything of the kind; he had never pretended this was a case of corruption which would warrant such a proceeding as that. Twelve men in a constituency of 6,000 were found to have received bribes, a large proportion of them being persons who had had their railway fare paid and there being a few shillings in excess of the fare. Nobody palliated such conduct, or denied that the men ought to be punished and the Member unseated for these acts; but there was no pretence that the disfranchisement of a constituency of 6,000 voters should follow from such a finding on the part of the Judge. The principle for which he had contended was that the rights of the constituency were a high franchise, and that they could not be taken away by Resolution of the House of Commons. The old rights of franchise stood on prescription; those of new boroughs like Stroud stood on Act of Parliament, and rights which were not conferred by Resolution of the House of Commons could not, in his opinion, be taken away or indefinitely suspended by such a Resolution. His hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) had a low opinion of precedents; but this was a point on which the House had already shown its opinion. The Prime Minister said the other day that these precedents were principles embalmed. It was quite plain that if this thing were done it would be done contrary to all precedents. The House of Commons had never done such a thing before. There was a special provision to ask the consent of the whole Legislature in dealing with a case of this kind. If that policy was wrong it could be reversed in a proper and constitutional manner either by repealing the reference of these questions to Judges

Sir William Harcourt

or by special legislative action, if special legislative action were called for. The hon. and learned Member for Londonderry, however, did not consider the present case as one which would justify him in moving for a Committee of Inquiry, or in proposing a Bill to disfranchise the constituency of Stroud. All the hon. and learned Member asked was that the evidence should be before the House—a step that would be utterly useless, because when the House got the evidence it could do nothing in the matter. For these reasons, he should vote against the Motion of the hon. and learned Member for Londonderry.

MR. SPENCER WALPOLE said, it had been stated that the House had parted with the power of deciding whether a writ should issue or not; but, in his judgment, the House had parted with no power unless it could be shown that the power vested in this House since it was first summoned to sit, and always without exception exercised by it, had been taken away from it by some specific Act of Parliament. From this point of view, therefore, the question would turn mainly upon the terms of the Act of Parliament commonly called the Parliamentary Elections Act. The hon. and learned Member (Sir William Harcourt) had said more than once that those who supported this Amendment were going to sit in judgment upon the decision of the Judge; that the decision of the Judge upon the point before the House was conclusive; and that Parliament had given to the Judge the power of determining conclusively all questions arising out of the disputed election. He, on the contrary, should be able to show that Parliament had distinctly reserved to the House of Commons the power of further considering some of those questions. This was how the case stood. The Act, by the 11th section, and the 13th sub-section, had made the decision of the Judge final and conclusive in two points, and in two only. It had made the decision of the Judge final and conclusive as to the return and as to the voidance of the election. But if the next sub-section of the clause were referred to, it would be seen that the Judge was to report upon matters which had been brought to his notice—such as where there was corruption; whether it had been practised with the knowledge of the sitting Member; the names of the

persons bribed; and whether corrupt practices had extensively prevailed. But in not one of these respects was the decision of the Judge to be conclusive, nor ought it to be conclusive, for if it were so, then—when they had the evidence before them that people were kept out of the way, and that trick upon trick had been played to prevent the Judge from going into an inquiry which he had no means of prosecuting, and that his decision was made under circumstances which could not be conclusive. The House of Commons would be forced to say—“Whatever may have been the amount of corruption practised, we have no longer the power to consider and determine whether some further proceedings are not absolutely necessary to ensure the freedom and purity of elections.” That was not all. The hon. and learned Member for Staffordshire (Mr. Staveley Hill) had said that the clause in the Act of Parliament distinctly laid down what powers the House of Commons was still to possess and what had been taken away by inference. That clause, however, did not bear the construction which the hon. and learned Member had put upon it, and had he looked at the next clause he would have seen what powers had been reserved to the House. The clause to which the hon. and learned Member had referred was this—

“Where the House of Commons, on being informed by the Speaker of such certificate and Report, or Reports and judgment, shall order the same to be entered in the Journals, and shall give the necessary directions for confirming or altering the returns, or for issuing a writ for a new election, or for carrying the determination into execution, as circumstances may require.”

The final determination, therefore, of the whole question was reserved to that House for confirming or altering the Return, or for issuing or not issuing the writ, as circumstances might require. All doubt upon the subject, however, was removed by the next clause, which pointed out where the House had made a special Report. The House should make such order in respect of such special Report as they should think proper. The House was to pay the utmost respect to the Judge's certificate—indeed, they were bound by it; but with regard to the Report they were invited to consider the state of facts submitted to them, and what proceedings they would take with regard to them. If, after that, they

were to be told that they were to be bound by the decision of the Judge and were to be controlled by precedent—although he agreed that precedents were the embodiment of principle—yet he should answer that he was willing to follow precedents where they were exactly analogous to the case under consideration and provided they met with reasonable assent. But was that the case here? Was there any precedent which showed them that a borough had had its returns challenged four times in the space of a year and a quarter—that in each instance corruption had been reported—and that in one instance it had extensively prevailed? He had said on rising that this question was one of great importance as regarded the Privileges of the House—and that it was a useful privilege for the House to retain, and if necessary to exercise. He was as strong as the hon. and learned Member (Sir William Harcourt) for not allowing either that or the other House to exercise exclusive authority upon matters that should be determined by the whole Parliament. The House of Commons could not determine any questions which were not legitimately within its province; but when the power of determining questions which were legitimately within its province had not been taken from it by any statute, it had a right to exercise that power; and such a power was that of determining whether the writ should issue or not. Could hon. Members judge of the expediency of issuing the writ in the present instance until they had seen the evidence taken in the case? They were not asked to see the evidence for the purpose of challenging the Judge's decision, but for the purpose of considering whether any further action should be taken in the matter. If that evidence showed that extensive corruption had not prevailed in the borough, by all means let the writ go; but if the evidence was to the contrary effect, it was their duty to determine whether some further steps had not become necessary.

LORD ROBERT MONTAGU congratulated the hon. and learned Member for Oxford (Sir William Harcourt) that he had at last found out and had proclaimed to the House the little value which he attached to anonymous writing. A letter had appeared in *The Times* the other day signed "A Sheep without a

Shepherd," in which it was urged that the Liberal Party should not be allowed to select their own Leader, and suggested that their Leader should be chosen by Earl Granville and a few other select persons, and it was followed the next day by another, signed "V.", in which it was stated that the Liberal Party was not to be trusted. The hon. and learned Gentleman had now extended his distrust to the House of Commons, which, in his opinion, was not fit to be trusted with the power of issuing writs, but ought to be bound, hand and foot, by the decision of the Judge. Of course, hon. Members were aware that every lawyer that entered the House came there with the object of getting either on to the Woolsack or the Bench, and it was very natural, therefore, that they should think it right that the House should be subservient to the Bench; but he (Lord Robert Montagu) hoped the House would not surrender their discretionary powers. The House had the power of suspending the writ, for otherwise the question would not have been put. Disfranchisement, however, could not take place without the consent of the three Estates. The Motion of the hon. and learned Member for Londonderry (Mr. Lewis) was, that the writ shall not *now* be issued. The House could not suspend a writ beyond the dissolution of the House. Immediately after that Her Majesty could order a new writ to be issued. All that the House was asked to sanction was that the issue of the writ should be delayed until the lapse of three days after the evidence taken by the Judge on the inquiry was laid before them, so that they might be able to form their own opinion whether corruption had extensively prevailed in the borough. To talk of the House of Commons disfranchising the borough in question was mere nonsense and obfuscation of intellect. The right hon. Member for Pontefract (Mr. Childers) thought he had made out his point when he referred to the case of Stafford; but in that case the writ was delayed, and no more was asked for on the present occasion. The House was only asked not to act blindly in the matter, nor to adopt rashly the opinions of certain lawyers, who would make them cast away their privileges.

THE SOLICITOR GENERAL, remarking that there were a question of

Mr. Spencer Walpole

law and a question of expediency mixed up in the case, proposed to say at the outset a word or two on the former, as it seemed to him there had been a slight misunderstanding. He did not think that the hon. and learned Member for Oxford (Sir William Harcourt) had contended, or had intended to contend, that the House of Commons had given up the privilege of appointing a Committee to investigate this matter. Certainly, he (the Solicitor General), for his part, had never contended, or intended to contend, anything of the sort. What he had said, and what he had adhered to, was, that it would be somewhat unconstitutional on the part of this House to suspend the writ simply for the purpose of inflicting a punishment on the constituency, and without having some ulterior object in view. That was all he had intended to say; and, speaking with deference, he did not believe the hon. and learned Member for Oxford had intended to say any more. Now, with regard to the power of the House of Commons, it was to his mind pretty clear that the House might, if it thought fit, appoint a Committee to investigate an alleged prevalence of corrupt practices in connection with an election at Stroud, or at any other place. The Act of 1852, under which a Commission might be issued for the purpose of ascertaining whether sufficient reasons existed for the disfranchisement of a constituency, was very plain and specific in its terms. By the first section it was provided that a Commission might be issued upon an Address of both Houses of Parliament, this Address to be founded upon a Report of a Committee appointed to try an Election Petition or to ascertain whether corrupt practices had extensively prevailed or not. Now, the Act of 1868 only placed the Election Judge in the position of the Committee, or, so to speak, in the shoes of the Committee of the House of Commons which formerly tried Election Petitions, and it gave to his Report the same effect as had formerly been given to the Report of that Committee. There was nothing in that Act, or in any subsequent Act, so far as he knew, to deprive the House of Commons of the power, if they thought fit to exercise it, of appointing a Committee of its own to ascertain whether or not corruption had extensively prevailed. So much for the law. He believed he had stated it

pretty much as the hon. and learned Member for Oxford had done, and that he had stated it correctly. The question of expediency was quite another matter. On seeing the Notice of the present Amendment on the Paper, he thought it might possibly be of a different character from the Motion brought forward by the same hon. and learned Member the other evening; but when he had examined it attentively, he found it was in truth just their old friend in a new dress, and, for his part, he did not think the new garb was at all an improvement. What was the ulterior object of the hon. and learned Member? Was it that a Committee should be appointed, or that a Bill to disfranchise should be introduced? If he had either of these courses in view, why did he not state it? It was for the House to consider whether any advantage would be gained by suspending the writ till the evidence given before the learned Judge who tried the Election Petition at Stroud had been laid before them. In connection with this question, it was worthy of remark that the hon. and learned Member who had moved the Amendment had not made any application or Motion that the evidence should be printed, nor had anybody else. There would, therefore, be this curious result—that the writ would be suspended till evidence was printed which no one asked to have printed. But supposing it were printed, and the House of Commons had an opportunity of examining it, they could only discuss the evidence which had been offered to the learned Judge, which he had heard from the mouths of witnesses themselves, and when he had the opportunity of judging of their demeanour. The House, therefore, would only be able to consider at second hand what the Judge considered at first. Well, was there a case for the appointment of a Committee of this House to investigate the alleged prevalence of corrupt practices at Stroud? It appeared there had been four petitions and three Reports. The first two Reports, although there had been some reason why the Judges could not form a full and definite opinion, certainly contained no statement that corrupt practices had been extensively prevalent. Then, coming to the last Report, which seemed to him to be the one from which the House ought to judge of the conduct of Stroud, it was found that the learned

Judge—a very eminent Judge, who had gone into the whole case with remarkable patience—came to the conclusion that corrupt practices had not extensively prevailed. If this House, on an investigation of the matter, came to a conclusion opposed to that of the learned Judge, there certainly would be a state of things presented of a very extraordinary character, and such as had never been contemplated in the legislation bearing on this subject. It might be that Stroud had now repented and become virtuous, and if so there was no reason for suspending the writ, and depriving it of one of its representatives in Parliament. He should vote against the Amendment, for he regarded it as the same in effect as the Motion of the other evening, and did not find it was the intention of the hon. and learned Member to take any ulterior proceedings.

MR. STANTON, as one of the Members for Stroud, wished to say a few words on this question. He deeply regretted that it had lost so able and valuable a representative as Mr. H. Brand. He admitted that the Reports of the Judges had shown that many things had been done in that borough which had better been left undone; but still the House must remember that in two cases out of three the Judge had reported that corrupt practices had not extensively prevailed. The last trial was not stopped, as had been stated, by the Member surrendering his seat. It was heard out to an unprecedented length, so much so that the Judge described a great deal of the evidence as merely fishing for information. He believed that hon. Members would rather take the opinion of the Judge than care to investigate the evidence themselves. The fact of his standing in that House after having had his return called in question unsuccessfully a second time proved that his was a pure election. No doubt, Stroud had to a certain extent become demoralized, from having been kept so long in such a state of political excitement, and he thought few boroughs where sharply contested elections had been fought would have fared better under similar circumstances. He, therefore, could not allow that it was a corrupt borough. The proceedings which had been instituted had been vexatious and uncalled for, and the result had been principally to

enable the prime mover in them to acquire the proud distinction—if such it was—of having caused greater injury to the town, more annoyance and ill-feeling amongst neighbours, and a greater waste of money than any other person in the neighbourhood. He hoped the House would not allow any further delay to take place in the issue of the writ, which would only add fuel to the already inflammable and excited state of feeling in the borough; and he trusted that it would be long before the borough was again brought so conspicuously before the notice of the House.

MR. RUSSELL GURNEY so fully agreed in what had been said by the right hon. Member for the University of Cambridge (Mr. Spencer Walpole), that he would offer but a very few words on that matter. But there were one or two points which he wished to urge on the attention of the House. The hon. and learned Solicitor General asked whether the hon. and learned Member for Londonderry (Mr. Lewis) had announced that he intended to propose any ulterior measure in regard to the borough of Stroud. Permit him to say that brought this case exactly within the precedent more than once quoted in that debate—namely, that of Wakefield. That was exactly the question put at that time to the late Sir George Lewis, who was asked—“Do you propose to do anything with reference to the borough of Wakefield?” and he distinctly said he did not; but that he would propose a general Bill, which would have no retrospective operation, and which would not apply to Wakefield and Gloucester; that no doubt it would be in the power of any hon. Member to propose a clause on that subject, but that he did not intend to propose such a clause. Not a single other Member ventured to say he meant to do so. Therefore, that case did form a precedent for the proposal of the hon. and learned Member for Londonderry; for the issue of the writ was put off from the end of one Session till the beginning of the next. Thus they had a precedent for the right, and there could be little doubt as to the expediency, in some instances, of having some delay in the issue of the writ. The hon. Member who spoke last called upon them to abide by the decision of the Judge, and no one could be more willing than he was to do so as to the points

which the Judge had to decide. The hon. Gentleman said they were not justified in saying that further evidence which might have been given was withheld in consequence of the withdrawal of the claim to the seat; but the Judge himself distinctly reported that that was so, and if they were to abide by the decision of the Judge, they must abide by it on that as on other points. The high ground which had been taken the other night had been abandoned. There was no longer any doubt that the House had the right, in certain cases, to withhold the issue of the writ. But it was said they were confined to the single ground that further measures were contemplated. No doubt that would be the ordinary ground on which they would delay the issue of the writ; but they were not tied down to that single ground. There might be other grounds on which it would be undesirable to issue the writ; and, if they thought it was undesirable to issue it, they had an absolute power to delay issuing it. Much had been said as to the fear that if they refused to issue the writ, they would be throwing discredit on the tribunal which they had themselves created. He should be the last person who would wish to do that. With the hon. Member for Bedford (Mr. Whitbread), who spoke the other night on that subject, he took an active part in the Committee from which came the recommendation on which the Bill was subsequently founded. That Committee recommended that the trial of Election Petitions should be removed from the House of Commons and conducted by one of the Judges. He fully acquiesced in that proposal, and was anxious for it to be carried, and he believed it had worked thoroughly well. Having watched very carefully the different cases that had been tried before the Judges, he was perfectly satisfied with the working of that Act. He certainly, therefore, should not take any part in throwing discredit on that tribunal. But were they really asked to throw any discredit on it? There were certain things for the Judge to decide, and on which his decision was absolute, and there was nothing in the Judge's decision in that case that he contradicted. The Judge was bound to report as he did about the prevalence of bribery, as according to the way in which he reported on that would depend the issue of

a Commission upon an Address to the Crown from both Houses. He admitted that by the Judge's decision on that point, they were precluded from having a Commission; and nobody proposed that there should be one. But then, were there not grounds for waiting until they had an opportunity of seeing the evidence? The Judge reported that in October, Joseph Workman, with his wife, was induced to emigrate by two persons on the list of bribers who were interested in sending him away; and it appeared that some of those things had been done with the knowledge of one, at least, of the respondent's agents. Those were matters which the Judge had thought fit to report for the information of the House. Again, the previous history of the borough ought to be taken into consideration. The Judge was not authorized to inquire into previous elections, but their history was known to the House; and they knew, as a fact, that there had been no fewer than four Petitions in the course of seven months, and that in all those cases there had been more or less bribery. Then, taking all these circumstances into account, he was most anxious that it should not be held hereafter that they were precluded, either by former precedent or by statute, from entering into a consideration of these matters; and, being at liberty, as they were, to take them into consideration, it was not an unreasonable request to ask that they should delay issuing the writ until they had had an opportunity, at any rate, of looking at the evidence in the case, as well as at the proceedings adopted in other cases, in order to see what ought to be done. On those grounds he should support the Amendment of the hon. and learned Member for Londonderry.

Question put.

The House divided:—Ayes 184; Noes 73: Majority 111.

Main Question put, and agreed to.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry Robert Brand, esquire, whose Election has been determined to be void.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PARLIAMENT—BUSINESS OF THE HOUSE.

POSTPONEMENT OF NOTICE.

MR. NEWDEGATE took occasion to postpone the Notice which stood on the Paper in his name with reference to Public Bills, observing that it would not be convenient to bring it on in a thin House.

FRIENDLY SOCIETIES BILL.
OBSERVATIONS.

THE MARQUESS OF HARTINGTON, in reference to an Answer given by the Chancellor of the Exchequer earlier in the evening, appealed to the right hon. Gentleman not to persevere in taking the second reading of the Friendly Societies Bill on Monday. From all that he had heard he felt quite certain that it would be extremely inconvenient if the right hon. Gentleman persisted in that determination. The Bill was one of very considerable complexity, as it dealt with a very difficult subject, and the complexity was still further increased by there being three different matters to deal with—the Report of the Royal Commission, the Bill of last year, and the Bill of this year. He was informed by hon. Members that it was quite impossible that the matter could be satisfactorily discussed—for the Bill was a subject which must be discussed on the second reading, and the debate must be important—on Monday evening. He would therefore ask the right hon. Gentleman whether he would not think it much more for the convenience of Members to postpone the second reading until some future day?

THE CHANCELLOR OF THE EXCHEQUER observed, that the previous Question which had been put to him placed the matter upon this footing—that if the second reading were taken on Monday there would not be sufficient time to allow of the provisions of the Bill being read and considered in the country. Now, the persons who were particularly interested in the question had been considering the matter all the

Recess, and they had had frequent communications upon the subject with the Government. He therefore thought that it was not at all necessary on their account that there should be further delay. But the noble Marquess had put the matter on a different ground when he spoke of the inconvenience to Members of the House. He need not say that he and his Colleagues were anxious, in every possible way, to consult the convenience of the Members of the House; and therefore, feeling that this subject was one which ought not to be dealt with or passed over in a hurry, the second reading would be postponed. He hoped, however, that no long delay would be desired, and that if a day somewhat later than Monday were fixed hon. Members would then be prepared to discuss the matter. The second reading would, therefore, not be taken on Monday; but on that day he would state when they would propose that it should be brought on.

Motion, by leave, *withdrawn*.

Committee *deferred* till *Monday* next.

SUPERANNUATION ACT, 1859 [SPECIAL RATES OF PENSION].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to grant special rates of Pension to persons who have served in an established capacity in the permanent Civil Service of the State, where such persons have served in an unhealthy place.

Resolution to be reported upon *Monday* next.

ADULTERATION OF FOOD AND DRUGS BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs, *ordered* to be brought in by Mr. SCLATER-BOOTH and Mr. CLARE READ.

Bill *presented*, and read the first time. [Bill 62.]

PUBLIC ACCOUNTS.

Committee *nominated*:—MR. DODSON, Colonel BARTELOT, Lord FREDERICK CAVENDISH, Mr. CURITT, Lord ESLINGTON, Mr. GOLDNEY, Mr. THOMSON HANKEY, Mr. O'REILLY, Mr. SALT, Mr. SEELY, and Mr. WILLIAM HENRY SMITH.

House adjourned at half after Seven o'clock till *Monday* next.

HOUSE OF LORDS,

*Monday, 15th February, 1875.*TURKEY—COMMERCIAL TREATIES
WITH SERBIA AND ROUMANIA.

QUESTION. OBSERVATIONS.

LORD STRATHEDEN inquired of Her Majesty's Government, Whether it is intended to lay upon the Table any Correspondence with regard to the alleged demand of Austria, Russia, and the German Empire to form commercial treaties with Servia and Roumania independently of the Ottoman Government? He did not mean to trouble their Lordships with any extended statement on the subject—he would only mention what appeared to him to be a conclusive reason for the production of the Correspondence. We had heard a great deal lately of the controversy which had arisen with regard to the right of Servia and Roumania to negotiate commercial treaties independently of the Empire of which they formed a part; but in the absence of authentic documents it was still uncertain to us whether such a controversy really did exist, and if it did whether the demand for the commercial treaties in question had come from Servia and Roumania on the one hand, or from Austria, Russia, and the German Empire on the other. Should the demand have originated with Servia and Roumania it suggested a certain order of political considerations; should it have originated with the three Great Powers he had mentioned, it would suggest another and perfectly distinct order of political considerations. But whether the controversy existed or not, and on whichever side the demand had arisen, it had revived what was called the "Eastern Question," and created the impression, whether justly or otherwise, that the Treaty of 1856 was seriously menaced.

THE EARL OF DERBY: In answer to the appeal of my noble Friend, I am afraid I must say that I am not prepared at the present moment to lay on the Table any Papers relating to the subject to which his Question refers. I shall be ready to do so at a later period; but negotiations upon the subject are still going on, and while they remain incomplete I think that the publication

of the Correspondence would probably do more to obstruct than facilitate a satisfactory settlement such as we all wish for. I cannot appreciate the bearings of what has been said by my noble Friend as to whether the dispute now existing was originally raised by the Government of the Principalities or the Governments of the three Great Powers. I apprehend that with whichever party the claim originated, if it is supported by both parties, it makes very little difference by whom the idea was first started. I may further say, that I do not look on the question as one from which there is any reason to apprehend any disturbance of the peace in Europe or in the East. All the Great Powers are agreed that it is desirable that the Government of the Principalities should have power to negotiate and enter into commercial treaties; but the difference which has arisen is this—some of the leading Governments of Europe consider that the Principalities have that right under existing Treaty arrangements; while those Governments which take a different view, though they are quite willing that the right should be conceded, contend that it does not at present exist, and that it can only emanate from a concession of the Government of the Porte. That is the issue to which the question is now narrowed. It is not so much a question of what is desirable, or what shall be done, as of the manner in which it shall be done. I may add that those Powers who take a different view from that which we take, and who contend that the Government of the Principalities have the right which they claim, nevertheless have expressed in the strongest language their determination to adhere to the treaty engagements into which they have entered—the difference between them and us being merely this—that they construe those engagements in a different sense.

House adjourned at half past Five
o'clock, 'till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

*Monday, 15th February, 1875.*MINUTES.]—SELECT COMMITTEE—East India (Compensation of Officers), *nominated*.PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—Superannuation Act (1859) Amendment* * [64].*First Reading—Municipal Elections* * [63].*Ordered—First Reading—Land Drainage Provisional Order* * [66]; County Surveyors Superannuation (Ireland) * [65]; Local Government Board's Provisional Orders Confirmation * [67]; *Licensing Courts Appeal (Scotland) * [68].*Second Reading—Artizans Dwellings* [1].

CRIMINAL LAW—IMPRISONMENT OF A BLIND BOY AT DROGHEDA.

QUESTION.

MR. W. JOHNSTON asked the Chief Secretary for Ireland, If his attention has been called to a statement that a blind boy, named John M'Cracken, was, for reading in the street from a Bible with embossed letters, sent to prison for forty-eight hours by the Mayor of Drogheda; and, whether such statement is true; and, if so, what cognizance of the matter will be taken by the Government?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention had been first called to that matter by the Notice of the hon. Member's Question. The blind boy in question was reading the Bible, sitting on the footway in one of the public streets of Drogheda. By so doing he caused a crowd to collect round him, and on being requested by the police to move on, he and his father declined to do so. After repeated cautions he was arrested by the police, not for reading the Bible, but for obstructing the public thoroughfare. He was taken before the Mayor and committed for 48 hours. That, he believed, was a statement of the facts as they occurred. As far as he knew at present, the Mayor of Drogheda was acting within his legal rights as a magistrate, and therefore the Government had no intention of interfering in the matter.

PARLIAMENT—BOROUGH OF BOSTON—ISSUE OF A ROYAL COMMISSION.

QUESTION.

MR. YORKE asked Mr. Attorney General, Whether his attention has been

called to the Report of Mr. Justice Grove, presented to this House on the 8th of June 1874, with reference to the late Election Petition for the Borough of Boston, in which he states that, in pursuance of the Act, he reports as follows:—

"That there is reason to believe that corrupt practices have extensively prevailed at the Election for the Borough of Boston, to which the said Petition relates;"

and, if so, whether it is his intention, in accordance with precedent, to move the House to pray the Crown to issue a Royal Commission to inquire into such corrupt practices?

THE ATTORNEY GENERAL: In answer, Sir, to the Question of my hon. Friend the Member for East Gloucestershire, I have to state that my attention has been directed not only to the Report of Mr. Justice Grove with reference to the late Election Petition for the borough of Boston, but also to the judgment pronounced by him in the matter, and to the evidence upon which both the judgment and the Report were based, and, having regard to all the circumstances of the case, it appears to me that it will only be consistent with my duty to act upon the Report of the learned Judge, and to move the House, as suggested by my hon. Friend in his Question, to pray the Crown to issue a Royal Commission to inquire into the corrupt practices referred to in the Report. I may add that, although the first Report of the learned Judge was made as long ago as June last, his final Report affecting the seat of one of the sitting Members was only laid before the House on the first day of the present Session, so that it was only the other day my attention was particularly directed to the matter.

ARMY—LANDGUARD FORT.

QUESTION.

COLONEL JERVIS asked the Secretary of State for War, What amount has been expended on the new works at Landguard Fort up to 1st January 1875; what further amount is proposed to be expended in completing them; and what is the nature of its proposed armament; whether it is true that the supply of water to that fortress has been cut off since October last by order of the lord of the adjacent manor; and, whether

such supply of water had not flown uninterruptedly since A.D. 1625; and, if so, what steps have been taken to maintain the dignity of the Crown and the rights of the people?

MR. GATHORNE HARDY: Sir, £28,516 has been spent up to the 1st of January last on these works, and £9,800 more will be required to complete them. The proposed armament is five 38-ton guns, three 18-ton guns, and four 12-ton guns. It is true that the supply of water has been cut off since the middle of September; but an information at the suit of the Attorney General has been filed in Chancery against the lord of the manor to cause him to restore the supply and pay all the damage.

PARLIAMENT—SITTINGS OF THE HOUSE.—QUESTION.

MR. O'CONNOR POWER asked the First Lord of the Treasury, Whether, in view of the late hours to which the sittings of this House are frequently extended, Her Majesty's Government has considered the advisability of recommending to the House the adoption of a rule fixing an hour beyond which no sitting should be continued?

MR. DISRAELI: Sir, I am myself opposed, as a general rule, to restricting the action of the House, and although it may be necessary, under certain conditions, to accede to an arrangement of that kind, I do not think that the proposition suggested by the hon. Gentleman should be adopted. Very late hours are sometimes necessary. I trust they will not be often necessary; but, on the whole, I think it is better to trust to the good sense and good temper of the House than to impose any restriction of the nature implied in the Question.

IRELAND—CROWN SOLICITOR FOR TYRONE.—QUESTION.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If Mr. Cecil Moore is still in the employment of the Crown as Sessional Crown Solicitor for the county Tyrone; and, what steps the Master of the Rolls in Ireland had taken in relation to the solicitors engaged in the case of John M'Crea before the Lords Commissioners of the Great Seal for Ireland?

SIR MICHAEL HICKS-BEACH, in reply, said, that Mr. Cecil Moore still held the appointment referred to by the hon. Member. He had no official knowledge of any steps that had been taken by the Master of the Rolls in the case in question; but whatever action had been taken by the Master of the Rolls was within his own discretion, and he was not aware that the Executive Government had any right to interfere.

PATRIOTIC FUND—AUDIT OF ACCOUNTS.—QUESTION.

COLONEL MAKINS asked the Secretary to the Treasury, Whether the Treasury have exercised the power given to them by the 30 and 31 Victoria, cap. 98, section 17, of auditing the Accounts of the Patriotic Fund, and the last date the Accounts have been so audited under the directions of the Treasury; and, if a Copy of the audited Accounts would be laid upon the Table if moved for?

MR. W. H. SMITH, in reply, said, that the Treasury, in exercise of the power given to them by the Act referred to, had requested the Controller and Auditor General to undertake the audit of the accounts of the Patriotic Fund. It was, however, found that there were difficulties in the way of imposing that duty upon him, and it was finally arranged that the audit should be carried out by an independent auditor. Owing to the difficulties referred to, the audit of the accounts had been somewhat delayed; but the Treasury would have no objection to the production of the last audited account, or of the accounts as they would be audited in future.

THE ARCTIC EXPEDITION.—QUESTION.

LORD RANDOLPH CHURCHILL asked the First Lord of the Admiralty, Whether it is the intention of the Government to give the House any information as to the probable cost and possible perils of the proposed Expedition to the Arctic Regions, and also as to what scientific or geographical results they hope for; and, if so, when that information may be expected?

MR. A. EGERTON, in reply, said, that on Friday last he laid on the Table of the House the Report of the Admiralty Arctic Committee which was summoned to consider the equipment of the Arctic ships, and the conditions

under which they were to be despatched. He intended, in the course of that evening, to lay on the Table a detailed estimate of the expenditure—as far as it was at present ascertained—connected with the sending forth of that expedition. It might interest the House to know—before it was printed—that the amount of that estimate was £98,000, which, of course, included the cost of the ships that had been purchased and the three years' stores with which they were to be provided. He might also say, with regard to the latter part of the Question, that those most conversant with the subject did not expect for the expedition any considerable perils. The First Lord, in moving the Vote, which he hoped to be able to do shortly before Easter, would give a more detailed statement as to the objects of the expedition.

AGRICULTURAL TENANCIES BILL.

QUESTION.

MR. DODSON asked the Secretary of State for the Home Department, If he can inform the House when it is proposed to introduce the Agricultural Tenancies Bill?

MR. ASSHETON CROSS, in reply, said, it must have escaped the notice of the right hon. Gentleman opposite that the Lord President of the Council had in "another place" some time ago given Notice that he would himself introduce that Bill as soon as the Public Business would permit.

POST OFFICE—TELEGRAPH OFFICE AT BALLINAMORE.—QUESTION.

DR. BRADY asked the Postmaster General, If he will explain to the House on what grounds he refuses to establish a postal telegraph office at the town of Ballinamore, county Leitrim, in accordance with a resolution of the Grand Jury of the county, and in compliance with Petitions sent from several Boards of Poor Law Unions, supported by the chairman and magistrates of the county, and the police authorities of the district?

LORD JOHN MANNERS, in reply, said, that an application for the establishment of the postal telegraph office referred to in the Question, had been refused, because it appeared on careful inquiry that the revenue which would

accrue from such an office was not likely to defray the working expenses. If, however, any local arrangement could be made to pay those expenses, the Government would be happy to grant a liberal discount on all public messages from the office.

SPAIN—RECOGNITION OF THE EXISTING GOVERNMENT.—QUESTION.

MR. O'CLERY asked the Under Secretary of State for Foreign Affairs, Whether, in view of the fact that the Government of Marshal Serrano so recently recognised by Her Majesty no longer exists, and of the defeat publicly reported to have been given by the Royal Army of Don Carlos to the Alphonist Troops in Navarre, Her Majesty's Ministers are prepared to recommend the speedy recognition of the Liberal Government of Madrid?

MR. BOURKE: In reply, Sir, to the hon. Member for Wexford, I have to state that Her Majesty's Government have determined to recommend Her Majesty to recognize the existing Government of Spain. They have done so for the same reason as induced them last year to recommend Her Majesty to recognize the Government of Marshal Serrano—namely, that the existing Government seems to be *de facto* established over all, except a very small portion, of that kingdom. Under those circumstances, new credentials will be sent to Her Majesty's Minister at Madrid this evening.

PALACE OF WESTMINSTER—THE MACLISE FRESCOS IN THE QUEEN'S GALLERY.—QUESTION.

MR. HANKEY asked the First Commissioner of Works, Whether he has obtained during the Recess any opinion as to the possibility of restoring the two MacLise Frescoes in the Queen's Gallery of the House of Lords; and, if he has, whether he will lay a Copy of such opinion upon the Table of the House?

LORD HENRY LENNOX: In consequence of the representations made by the hon. Member last Session as to the state of MacLise's great water-glass pictures in the Royal Gallery, I, at the close of the Session, addressed myself to my noble Friend Lord Hardinge, and he was good enough to accede to my request and consent to preside over a small Com-

Mr. A. Egerton

mittee, who should inspect those works of art, and say what should be done with them. Besides Lord Hardinge, I was fortunate enough to obtain the co-operation of Sir William Boxall, Mr. Ward, and Mr. Richmond. Mr. Watts had also agreed to give me his valuable help, but was prevented by illness from attending. The Committee met several times in the Royal Gallery, and made a minute examination of the pictures. After that they made a unanimous Report to me that they were strongly of opinion that by a simple process the decay might be arrested. They also added that if I would give the necessary permission, Mr. Richmond would, with great public spirit and at a great loss of valuable time, personally superintend the difficult and delicate process. Under such circumstances, I had no hesitation in assuming the responsibility; and I am very happy to say that the result has been attended with the very greatest success. With regard to Papers, I have only the Report of the Committee, signed by Lord Hardinge, enclosing a separate statement, from Mr. Richmond, detailing the process by which the good result has been obtained. Those Papers I shall be happy to lay on the Table of the House to-morrow.

MONASTIC AND CONVENTUAL INSTITUTIONS.—QUESTION.

In reply to Mr. NEWDEGATE,

MR. BOURKE said, that the documents and translations with respect to the laws of foreign States relating to monastic institutions which had been ordered on the 27th of last July were in the hands of the printers, and would be laid on the Table of the House in the course of a few days.

COPYRIGHT BILL.—QUESTION.

In reply to Mr. E. JENKINS,

MR. BOURKE said, that he had put down the Bill for Wednesday next, not thinking that there would be much discussion upon it; but he should be happy to put it down for any other day that might be deemed convenient.

PRIVILEGE — OFFENSIVE LANGUAGE REFERRING TO IRISH MEMBERS. RESOLUTIONS.

MR. SULLIVAN rose, pursuant to Notice, to bring before the House a

question of Privilege. In doing so, he said, he viewed with the gravest apprehensions the raising of such a question on the part of any hon. Member, lest such a course should tend to limit, not only freedom of discussion, but that freedom of independent criticism upon the conduct of public men, whether inside the House in which they were assembled, or outside it, which was so essential to healthy public opinion in the country. He might cite precedents to show the Privileges of the House had been asserted in a way which would now be considered most arbitrary, not against Members of that assembly, but against members of "the Fourth Estate"—the Public Press, to which the House of Commons, and, indeed, the cause of liberty throughout the world owed more than to any Legislative Chamber. He hoped hon. Members would, therefore, not think that he had risen on that occasion to take exception in any narrow spirit or on small provocation to a wound on the dignity of the House. For his own part—and he might, he believed, say as much for several of his hon. Friends around him—he felt that it might be and would be often his duty to assert very strongly that very liberty of speech which as a consequence he ought to be the very last to complain of. Nor would it become him to lay hold of an accidental utterance which had escaped in the warmth of the moment, and which the speaker was afforded no opportunity to qualify or withdraw. They were all of them amenable to influences whether before or after dinner which might cause them to say something which in their calmer moments they would regret, and it was no reflection on an honourable man to rise when the opportunity was afforded him and frankly to state that he was sorry to have given offence. Then there would be an end of the matter. In the present instance he would undertake to show the House that he had not risen on any trivial pretext or because of any hasty words for the qualification of which no fair opportunity had been offered. He would not weary hon. Members by going over a long list of precedents for such a Motion as that which he was about to make. He would as briefly as possible refer to a few which might be found within the life-time of many of those whom he addressed. In 1824 Mr. Abercromby raised a question of

Privilege in that House, and had complained of no less a personage than the Lord Chancellor of England. The Lord Chancellor had said in his Court that something which had been stated in the House was false; and thereupon the question of Privilege was raised, and the Commons of the Three Kingdoms independently vindicated those Privileges to which they could never be insensible without a forfeiture of their duty to the country. It was, however, explained on the part of Lord Eldon that he had used the phrase complained of as applicable to the comments in the newspapers rather than to statements made in the House of Commons; and accordingly when the question was further pressed the Motion was lost, the Ayes being 102, the Noes 151. The next remarkable case was in 1838, and concerned a countryman of his own—one whose name in that House would, he thought, be received with respect, as in Ireland it was hailed as that of the great national Liberator—he referred to the late Mr. O'Connell. Mr. O'Connell, at a public dinner, used language which even he (Mr. Sullivan) would not hesitate to say ought not to have been used, and which was a breach of the Privileges of that House. In condemning the use of that language he felt that the character and fame of O'Connell were too great to suffer because exception was taken to some of his individual actions. Mr. O'Connell stated in the instance of which he was speaking that there was on the part of the Tory politicians the grossest perjury, and that there had been foul perjury in the Tory Committees of the House of Commons. No one rose in the House on that occasion to shelter O'Connell by inquiring whether there were any "Tory politicians" in the House, as had been recently done when some charge of venality was recently heard against Ultramontane Members; but both sides of the House rose to a broader conception of the dignity of that assembly and did not seek to ignore the fact that then as to-day there were hon. Members present who were proud of being known as "Tory politicians," and who, to their credit, felt that it was due to their position both inside and outside the House, that the words of Mr. O'Connell should not pass unchallenged. After debate, the Motion censuring Mr. O'Connell was carried by 226 to 197. The

Mr. Sullivan

next case was that of Mr. Ferrand, in 1844, who had said that Sir James Graham had caused a subordinate officer of the Government to make a false Report, and had then used that false Report to crush a Member of the House. There were in that case many arguments relied upon to take it out of the purview of that Assembly. It was contended that the charge made against Sir James Graham of having procured a subordinate to falsify a Report related to his action, not as a Member of the House, but as an official and a public officer, and could not, therefore, be taken by the House into account; while it was argued that the phrase "to crush a Member of the House," whatever that might mean, did apply to Sir James Graham as one of their body; the main debate turned upon that portion of the charge, and after various Motions and proceedings a Motion was carried to the effect that "the imputations were unfounded and calumnious." If it was necessary in 1844 to have been thus studiously careful of imputations reflecting on the personal character and conduct of public men, it was far more so in 1875, in consequence of the great changes which had been made not only in the constitution of the House of Commons, but also in the laws under which its Members were elected. Many hon. Members were old enough to remember the solemn, sorrowful, prophetic warnings which were raised by venerable gentlemen of, he might say, a bygone generation, when the House of Commons broke down the bulwarks of aristocratic representation, and abolished the property qualification of its Members. Worse still, vote by ballot was adopted; and then many old gentlemen shook the dust of the House off their feet, and went out declaring that there was an end to the Constitution; that we were beginning to "Americanize" our institutions; the result would be deplorable; and that in the House of Commons the business of the country would be conducted in language which would not be tolerated in polite society. Working men's candidates had, in fact, been returned, and it would be well for the House soon to ascertain how far the prophecies as to the use of rough and unbecoming language were about to be realized, and whether the deterioration in the *personnel* of that Assembly was to be found among the

working men's representatives or among those gentlemen who pretended to be the especial guardians of the dignity of the House. During the Recess hon. Members had, as usual, addressed their constituents, forming what was called "Parliament out of Session;" and we in Ireland noticed that at more than one of these gatherings the tone of speech adopted was one which seemed to be studiously insulting and provocative to the Irish Gentlemen who sat in that House. Irishmen were not always too slow to take offence; but if it had been but of one speech they had to complain, the thing might have ended there. Of political criticism they did not complain. It was not desirable, indeed, that hon. Gentlemen should be too strait-laced when they came to discuss a public policy which they probably in their hearts believed to be inimical to the stability of the Empire. They had a perfect right, within the ordinary limits of decorum, to denounce that policy. But the Irish Members regarded it as quite another thing, and a thing they would not submit to, to have their personal conduct and personal reputation sullied. The first of the utterances to which he had referred, was made in North Lincolnshire. And if the Intelligent Foreigner was about, he would have an excellent opportunity of studying the style of language adopted by an hon. Baronet (Sir John Astley), and, indeed, not severely condemned, but only laughed at by some of the country Gentlemen in the House. What the hon. Baronet was reported to have said was this—

"The House of Commons was not altogether a place to be coveted or desired, and he doubted whether any gentleman who was used to the country would care to be shut up there hour after hour, day and night. There were, besides, a lot of Irish chaps in the House who sometimes made him very angry. He thought there were about 60 of these fellows in the House, and he believed about 40 of them were the most confounded rascals he ever saw. He did not find fault with anybody because he might hold opinions different from his, but he entirely lost his patience when those 'coveys' came into the House."

"Coveys!" what did that mean? Whether he (Mr. Sullivan) was deficient in dictionary terms or not, he felt bound to confess that he should need a glossary of some kind if this kind of language was to be extensively adopted by hon. Gentlemen. The hon. Baronet proceeded—

"He entirely lost his patience when those coveys came into the House, and took up the whole of an afternoon, and carried on far into the night, when some pressing Motion was coming on, talking about their little rotten Ireland, whether the whisky was to be Irish or Scotch, or whether the potatoes should be kidnays or something else."

Well, as to the whisky, the hon. Baronet had probably a good right to speak on the subject. He (Mr. Sullivan) had no intention of making personal reflections. All he would say was, that if the Irish Members did distress the English landed Gentlemen with their debates about whisky, it was because the whole of them, with the exception of ten, came into that House backed by the unanimous appeal of the clergy of all denominations in Ireland not to force the drinking of whisky on Sunday upon the Irish people—an appeal which was crushed by a large majority. The hon. Baronet went on to say—

"Such discussions were one of the things which drove him clean out of the House, and tended to make a man more careless than he should be. These 40 Irish rascals to whom he had referred took up more time than all the rest of the Members, and used much stronger language: but, fortunately, they were divided among themselves."

A complaint about strong language came well from the hon. Baronet, whose own language was such that he (Mr. Sullivan) begged to apologize to the "working men's representatives" for supposing it possible that it could have come from them. The working men's candidates had spoken both inside and outside the House since they were clothed with the high office and dignity of popular Representatives, and he asserted for them with confidence that, working men's Representatives as they were, they had proved themselves English Gentlemen, for whom neither the constituencies who elected them, nor the country which gave them birth, had need to blush. They had proved themselves, in a special manner, indeed, representatives of the intelligence, worth, and integrity of the working men of Britain. When the remarkable speech he had quoted reached Ireland, there was some strong feeling manifested, and it was at once determined that notice should be taken of it in the proper way. Some of the Irish Members were for taking a course a little more belligerent than the others desired, and said—"If we don't stop this Gentleman at once,

you will have a crop of others following in his wake, with perhaps as much willingness to wound as he, but with a little more skill in framing their language than the hon. Baronet the Member for North Lincolnshire." What was foreseen took place. Pleased and encouraged by the immunity which the hon. Baronet had enjoyed, other speakers at subsequent banquets followed in his wake, and endeavoured to deepen and render more painful the wound which he had inflicted. At Oxford the junior Member for the City declared that the Irish Members were "pledged to dismember an Empire of which they were not fit to be the subjects." Another hon. Member—the hon. and learned Member for Frome (Mr. Lopes)—took an opportunity to insult the Irish Members with a dexterous and delicate manipulation which was only possible to a man trained in the subtleties of legal argument. The hon. and learned Member said—

"What was the present position of the Liberal Party? In the House of Commons they were deserted by their Chief, who, by his fitful appearance in the House, disappointed their hopes. They were allied to a disreputable Irish band, whose watchword in the House was Home Rule and Repeal of the Union."

The hon. and learned Member went on to say that in the face of all these facts the Liberal Party ought to remain quiet, and lick their wounds in silence. There were many hon. Gentlemen in the House who were strongly opposed to every political opinion he (Mr. Sullivan) held; but he would, nevertheless, appeal to those hon. Members to say whether Irish Members could, under repeated insults like these, refrain from appealing to one tribunal or another. He at once expected the hon. Baronet the Member for North Lincolnshire from being called upon in any sense to account to the House for the speech which he made; because, although his speech was the most violent of those to which exception was taken, he had the moral courage and the candour to make an apology when called upon to do so. If the fact of the apology, and the circumstances under which it was made, had reached so obscure a place as Frome, the hon. and learned Member for that borough would probably have thought twice before he made the speech from which a passage had been quoted. The circumstances were these:—A military friend

of the hon. Member for Wexford (Mr. O'Clery), who felt himself aggrieved by the speech of the hon. Baronet, waited upon him with a polite inquiry as to the condition of his health, and particularly of his trigger finger. The solicitous anxiety of the Irish military gentleman was well understood by the hon. Baronet, who at once wrote a letter saying, in effect—"I know what you want; tell your friend the Member for Wexford that I withdraw unreservedly the language which, unhappily, I used." They did not all belong to the military fraternity, and it was not every Irish Member who was practised in the mode of interrogation adopted in the case of the hon. Baronet. They, therefore, offered to the hon. and learned Member for Frome (Mr. Lopes) a mode of retracting his insult which ought to have been more acceptable to him, as it was certainly more in accordance with the respect they desired to pay the House. He was sorry that on Friday last the hon. and learned Member did not frankly avail himself of the opportunity which was afforded to him—for there was no desire on the part of the Members insulted to bring the hon. Member to his knees, or to put him in any unhandsome difficulty. Instead of doing this, he made several excuses for the speech by saying, in the first place, that it was delivered "after dinner." This was the euphemistic way in which he described his state of mind. It was high time that his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) pushed forward his Bill, if excuses of this kind were to pass current among Members of the foremost Assembly of Gentlemen in the world. Such an excuse would not avail William Nokes, a collier, if he were charged with an offence before a magistrate, and it ought not to avail a gentleman of high station who, among other titles, possessed that of one of Her Majesty's Counsel learned in the Law. The excuse was a paltry one, and altogether lacking in the candour, boldness, and manliness which should distinguish a Gentleman entitled to a seat in that House. In the second place, the hon. and learned Member said he meant no offence by the words he used. A member of the Illinois Legislature on one occasion pulled the nose of a brother legislator, and promptly explained that he meant no offence; but the explanation, like that of the hon.

Mr. Sullivan

and learned Member for Frome, was not, and could not, be accepted. In the third place, the hon. and learned Member said his sole intention was to reprehend a policy which could only lead to a dismemberment of the Empire. This might have been the meaning of the hon. and learned Member; but he could only congratulate him on the accuracy of his statement at the expense of his understanding, for the grammatical construction of his speech flatly contradicted it. His words did not refer to any line of political conduct, but to personal reputability. He said nothing about public policy; but he did say that the Liberal Party were allied to a disreputable Irish band. In the last place, the hon. and learned Gentleman referred the Gentlemen he had affronted to the pages of a Dictionary. It was not the custom in his country for a man, when affronted, to go home and consult a Dictionary. The times had mended, even with regard to the authority they used to consult in former days; and he had, therefore, adopted the suggestion of the hon. and learned Member, and referred to the Dictionary of Dr. Johnson—although he contended that the House could alone fix the standard of language to be used by its Members in relation to each other. He had consulted the 9th edition of *Johnson's Dictionary*, published in four volumes, and failed to find the word "disreputable" in it. There was the word "disrepute," and this was stated to mean "ill-character, dishonour, want of reputation." Then there was the word "disreputation," which was said to mean "disgrace, dishonour, loss of reputation, ignominy." [An hon. MEMBER interposed a remark.] The word "disreputable" might be *Todd*, but it certainly was not *Johnson*. Just a word as to the whole of the charge brought by the hon. and learned Member for Frome. He asked what was the condition of the Liberal Party?—and he could not be blamed for exulting in the contrast now presented between the Ministerial and the Opposition sides of the House. He (Mr. Sullivan) should be the last to cavil at any little exuberance of spirit arising out of the recent successes of the Conservative Party—successes which astonished nobody in the world more than themselves. They had long eaten the bitter bread of exile, and he had no desire to curb the re-

joicings with which they hailed their entrance to the Promised Land of office. The hon. and learned Member (Mr. Lopes) described the Liberal Party as having been deserted by their Leader;—and here, again, it was legitimate for him to crow lustily. The hon. and learned Member and his Party had a Leader of whom they might well be proud—a Leader who never, even in the most gloomy days, despaired of the Tory Party. He did not desert his Party when it was in sorer straits than was the Liberal Party at the present time. He adhered to their fortunes while jealousies dogged his footsteps and murmurs of mutiny were heard that might well have driven him from their camp; and, in the end, as they had seen, he had led his Party to victory. The hon. and learned Member, like Demosthenes in his orations, having led up to it artistically, came to the most deadly charge of all—that the Liberal Party was allied to a band—to a disreputable band—to a disreputable Irish band—in the House of Commons. On that question of alliance it was right he (Mr. Sullivan) should say a few words. There had been no alliance negotiated, nor was there any alliance in existence between the Liberal Party and the Home Rule Party. It was undoubtedly true that the greater number of the members of the Home Rule Party on other questions than Home Rule were Liberals; but that Party also included members who were staunch Conservatives. It was true that in the main the sympathies of the great majority of them were with hon. Members on that side; but they felt equally independent in giving support to any useful measure that might emanate from the other side of the House. Was it to be hurled as a taunt or accusation against Home Rule Members, that they had rescued the Irish representation in that House from the condition under which its support was sought to be allured by the Galway subsidy offered by a Conservative Administration, or by a half-dozen places for good loyal Catholics on the part of the Liberals? They had ceased to render the Irish Party amenable to such political corruption; but they had never sought in any discourteous way to repudiate the fact that hon. Gentlemen around them who might be opposed to them on the Home Rule question were to be found in the same

division lobby with themselves. Of all the charges made by the hon. and learned Member for Frome that of an alliance was the least grounded on fact. But let him (Mr. Sullivan) say, as he had touched on the duty of Irish Members in that House, that in bringing forward this matter they did not present themselves as suppliants for any special protection or satisfaction for themselves. As far as concerned their personal honour, they would take care of that themselves. They were not suing for any special protection that was not given on the ground of the dignity of that Assembly itself. They hoped to conduct themselves in the debates in that House in a manner consistent with its usages and with the spirit which pervaded it. If the language used by the hon. and learned Member for Frome affected only one Member of the House, it would have been a very grave offence. But that language was an insult to 50 Members of the House. It was something still more serious—it was a crime against that House. It was spoken by a Member of one nationality against Members who represented another, and was therefore calculated to inflame national feeling, and to excite national passion. The hon. and learned Member for Frome was probably now in his calmer mood he would ask him this—was it not unchivalrous to make such a charge on the part of the many who were strong against the few who were weak? The Home Rule Members were weak; those Members who objected to Home Rule were strong. The Home Rule Members left their country to come to the House and plead, under most disadvantageous circumstances that entitled them to generous consideration, the cause of that country. According to the laws of all civilized nations the persons of ambassadors were specially secured from assault or indignity. The Home Rule Members were the ambassadors of the Irish Nation, and it was exactly in that capacity that they had thus been insulted. In that capacity they were that night. Let him say, in concluding, that his Friends had warned him: how all this would end in the House. He had been warned that the hon. and learned Member would escape with impunity—that after he (Mr. Sullivan) had sat down and a few speeches had been made, and perhaps some warmth—which he, for

his part, deprecated—had been exhibited, there would arise to calm the ruffled scene the right hon. Gentleman (Mr. Disraeli), whom they were always so glad to hear in that House; that he would sternly reprehend unparliamentary language in the abstract, but genially extenuate it in the particular; that he would say something kind about the Isle from which the Home Rule Party came, and would then recommend them to say no more about this matter. He (Mr. Sullivan) showed how little he agreed with those vaticinations by rising to make a statement. It was his duty to acknowledge that the right hon. Gentleman, throughout his career as a statesman had shown a warm interest in whatever concerned the honour and dignity of that House, which had been the cradle of his ambition and the theatre of his fame. For his (Mr. Sullivan's) part, his task was fulfilled in calling attention to this matter. Heartily did he regret that it had devolved upon him, in the absence of his distinguished Friend, whose greater acquaintance with the Forms and precedents of the House would have lent force to his argument and whose genius would have rendered it attractive. He was deeply conscious of the very indulgent and generous spirit in which the House had listened to him that evening, and which had more than compensated in his own estimation for the inability which he had felt in rising to make this statement. The hon. Gentleman concluded by moving that the passage complained of be read by the Clerk at the Table.

Motion agreed to.

The said paper delivered in, and the paragraph complained of read.

MR. NEWDEGATE said, that while listening to the hon. Member for Louth (Mr. Sullivan) it occurred to him that the hon. Member appeared perfectly satisfied with the position of the Irish Members in that House. The hon. Member for Louth was prompt to bring forward certain expressions that had fallen from Members of the House elsewhere, although in the case of the hon. Member for Lincolnshire (Sir John Astley) the words had been retracted. The hon. Member now asked for a retraction of the expressions used by the hon. Member for Frome (Mr. Lopes), and sought to have them placed on the records of

Mr. Sullivan

the House, but he proposed no action. It seemed to him surprising that the hon. Member, who, as he told the House, represented the feeling of a whole nation, should show such a deficiency of courage; and he (Mr. Newdegate) would ask whether it was worth while to occupy so much of the time of the House when no action was to be taken? After all, the expressions complained of had reference to the discontent produced by Irish Members in connection with the Home Rule movement, which was, in reality, a disguised agitation for the repeal of the Union. For his own part, he had been led to doubt whether it would not be better for the Irish Members to retire in a body. He admitted that that would be a deep disadvantage to the United Kingdom; but if Irish Members were determined to render their position in the House offensive or noxious, they would thus produce among the Members of the House generally a diminution of any feeling of regret that their absence might cause. He did not think that the question had been placed before the House in a form in which it could be received. With regard to the statement of the hon. Member for Louth (Mr. Sullivan), he did not appear to be seconded by the other Irish Members.

MR. SPEAKER: The hon. Member for Louth has made a statement to this House relating to words uttered by the hon. and learned Member for Frome, and the hon. Member has, in the exercise of his right, desired the Clerk at the Table to read the passage complained of. It is the duty of the hon. Member to conclude with some Motion, which may be discussed by the House itself.

MR. SULLIVAN said, he should bow to the opinion of the right hon. Gentleman in the Chair. If he had unwittingly committed an error, he trusted the House would excuse it, as he had been led into it by the precedents which he had already quoted and which showed that the substantive Motion was made in each case by the Prime Minister, who was supposed to have charge of whatever concerned the dignity of the House. Certainly in the case of Mr. O'Connell the Motion was not made by the hon. Member who called attention to the matter. The complaint was made by Viscount Maidstone, who moved no substantive Motion. In the case of Mr. Ferrand

the Motion was, he believed, made by the Prime Minister himself, although the question had been raised by another Member. However, he should bow with the utmost deference to any statement which the right hon. Gentleman in the Chair might make on the subject. He begged to move—"That the language contained in the paragraph complained of is a breach of the Privileges of this House."

MR. O'CONNOR POWER, in seconding the Motion, said, he should not have addressed the House, but for the remarks which had just fallen from the hon. Member for North Warwickshire (Mr. Newdegate), who undertook to tell the House that the hon. Member for Louth in bringing forward this Motion was not supported by the Irish Members. He felt therefore constrained to speak upon the question, and to say that, in his opinion, the hon. Member for Louth was only acting as the exponent of the wishes of the whole party in the course he had taken. The best way to form a correct judgment of the character of the remarks made by the hon. and learned Member for Frome would be for every Gentleman in that House to bring the remarks home as applicable to themselves. Let right hon. Gentlemen who sat on the front Treasury Bench ask themselves what their feelings would be if an excited Member of the Home Rule party were to speak of them in an after-dinner speech in Ireland as a "disreputable band." The right hon. Gentlemen opposite would then begin to understand whether or not the Irish Members were over-sensitive in complaining of the language used by the hon. and learned Member for Frome.

Motion made, and Question proposed, "That the language contained in the paragraph complained of is a breach of the Privileges of this House."—(Mr. Sullivan.)

SIR COLMAN O'LOGHLEN regretted that it had been necessary to bring this Motion before the House, as he had hoped, when a former evening the attention of the hon. and learned Member for Frome (Mr. Lopes) had been called to the words he had used at a dinner party, that the hon. Gentleman would have stated that he did not mean any offence to any Member of the House,

and that if any Member was offended by his remarks, he would apologize for and withdraw them. That would have been a manly and an honourable course for the hon. Member to have adopted; and he even hoped that at the eleventh hour, when the present Motion was about to be made, the hon. and learned Member would have obviated the necessity for it by standing up in his place and withdrawing the words he had used. He fully agreed with his hon. Friend the Member for Louth (Mr. Sullivan) that if this were a solitary case, and if no other speech of the same character had been delivered, it would have been scarcely worth while to bring it under the notice of the House; but, as his hon. Friend had shown, the Anti-Home Rule epidemic also took possession of a number of English Members in the autumn of last year, when speeches were made in which Irish Representatives were insulted in language which was perfectly unjustifiable. In particular, his hon. Friend had alluded to the speeches of the hon. Member for North Lincolnshire (Sir John Astley), of the hon. Member for Oxford (Mr. Hall), and of the hon. Member for Frome (Mr. Lopes). He fully agreed with some of the remarks which fell from the right hon. Gentleman at the head of Her Majesty's Government at the commencement of the Session, to the effect that speeches made by persons of no influence in obscure places, and in dull papers which nobody read, were unworthy of the attention of the House of Commons. But these remarks were inapplicable to the speech made by the hon. Member for Frome on the occasion when, according to his own admission, he uttered the words complained of. His speech was reported in *The Times*, which could not be called a dull paper, or one which was not generally read. Nor could the hon. and learned Member for Frome be regarded as a person of no influence. He had had the honour of being for at least three Parliaments a Member of the House. He filled the position of magistrate for the county of Wiltshire; he was a member of an honourable profession—one of Her Majesty's Counsel, and Recorder of Exeter; and he was specially chosen by Her Majesty's Government last Session to take charge, as a private Member, of a most important Bill affecting the administration of justice—such a measure as

in ordinary cases would have been taken up by the Solicitor General for the time being. If Her Majesty's Government remained long enough in office—and, for his own part, he thought the late General Election had secured for them not only fixity, but perpetuity of tenure—no doubt the hon. and learned Gentleman would in a short time find himself in the Elysian Fields, and among those Olympian Gods in this country—the members of the High Court of Justice. The important position which the hon. and learned Gentleman occupied in the House justified Members in calling attention to his words. This festival at Frome was not a mere festival given by the hon. Gentleman as Member for the borough. It had been announced in the leading journal as a great political banquet, and it was stated that several distinguished "stars" would be present. A month before it was held, he himself read in *The Times* that at least two Cabinet Ministers would attend the great Conservative Festival at Frome—namely, the Home Secretary and the First Lord of the Admiralty. Furthermore, it was announced that an invitation had been sent to the right hon. Gentleman at the head of Her Majesty's Government; and many other distinguished persons were named in *The Times*. On the 10th of January the festival came off, and *The Times* sent down a Special Correspondent, who reported the proceedings at the length of two columns and a half. A glowing account was given of what occurred. Flags were hung out, and bands of music paraded the town throughout the day. It seemed that there was no room large enough for the banquet, which was held in a monster tent capable of accommodating 1,200 persons. The House of Lords was represented by the Marquess of Bath, and the Government was not represented by the two Cabinet Ministers he had already referred to, but by a Gentleman who would doubtless before long be a member of the Cabinet—his right hon. Friend the President of the Local Government Board. Letters were read at the meeting from the Secretary of State for the Home Department, and from other distinguished individuals. If at so important a meeting the language complained of was used by the hon. and learned Member for Frome, it was no light matter, and ought not to be passed over in silence. What was

Sir Colman O'Loughlen

the language? It stated distinctly that the Members on the Opposition side of the House who supported the Home Rule movement were a "disreputable band." Was not such language, according to its literal meaning, most offensive to hon. Members on that side of the House? Would not hon. Gentlemen opposite below the Gangway have been justly offended if at an excited meeting in Ireland they had been described as a "disreputable band" who obstructed Irish business? The hon. and learned Gentleman offered no explanation. In his judgment, the manly course would have been to withdraw the words; but in place of doing this, the hon. and learned Gentleman attempted to justify his language by referring to Johnson's Dictionary. The hon. and learned Gentleman was now sitting in silence. He did not know whether the hon. and learned Member was so acting on his own opinion, or at the suggestion of others, but he certainly thought it was not honourable for him to sit silent under the circumstances.

MR. SPEAKER: The right hon. Gentleman has no right to question the honour of any Member of the House.

SIR COLMAN O'LOGHLEN said, he would withdraw the remark—and he thought the hon. and learned Gentleman ought to withdraw the language he made use of at Frome. If the same language were used by a Member in the House, would not the right hon. Gentleman call him to Order, and make him apologize? But as the Speaker could not act on the present occasion, because the language complained of was not uttered in the House, he hoped the right hon. Gentleman the First Lord of the Treasury, who himself took such an interest in the House, would exert his influence to cause the hon. and learned Member for Frome to apologize for his language, and to prevent Irish Members being for the future spoken of, either in the House or out of it, in language tending to excite animosities and feelings of the worst character.

MR. DISRAELI: Sir, I did not rise before, because I really thought this was an affair which would be easily and not unpleasantly settled. The hon. Member for Louth has had an opportunity of addressing the House at considerable length, and in the vein of glowing rhetoric which we always listen

to with pleasure. But I will make this criticism on his speech—that as far as the hon. and learned Gentleman the Member for Frome is concerned, it was a little too long. It reached those proportions because the hon. Member for Louth introduced circumstances with which we really have not to deal now, and incidents which I hoped had been forgotten. It was really unnecessary, I think, to touch now upon the language used by the hon. Member for North Lincolnshire (Sir John Astley). My recollection is, that he withdrew the expressions which were the subject of complaint; and when an hon. Gentleman acknowledges that he has made a mistake, and has used expressions which, on reflection, he sees are not justified, it is the custom of Gentlemen to forget them. Then we have the case of my hon. and learned Friend the Member for Frome. I am not here to deny that it is a breach of Privilege to speak of any Members of this House in their capacity as such in terms which imply disgrace, or, as the hon. Gentleman said, ignominy. But I must remind the House that the expressions here used—when calmly considered—though they may certainly justify notice, are still not of a very extravagant character. Unfortunately, in this country there is a kind of conventional language used during the Recess at public meetings, and on other occasions, which is very different from the language of Parliament, and often differs, indeed, from that of the English language. The Tory Party, for example, are often held up to scorn, in the Recess, as a party particularly given to the practice of bribery and corruption: whereas the Tory Party at the present day are certainly not more liable to that imputation than any other party—and, indeed, if you take an historical survey of their history you find, as a Party, they have been remarkably free from bribery and corruption: not wonderful, as the chief basis of their strength has ever been the landed interest. The Liberal Party, again, at public dinners during the Recess, are often described as a Revolutionary Party, and the wildest and most unconstitutional schemes are freely imputed to them. No doubt the Irish Members in their turn—at least a section of them—are sometimes spoken of in a manner which I do not at all justify, which would not be permitted in this House, or which, if any hon. Mem-

ber had inadvertently so spoken here, would give rise to the opportunity now offered to my hon. and learned Friend of showing his regret for such language. It is true that a section of the Irish Members some years ago did give us some trouble in the conduct of Public Business, and thereby became subject to the conventional language I have described. I have no reason to say or believe that language of this kind at all applies to hon. Gentlemen who are the advocates in this House of what is called Home Rule. Certainly, at the end of last Session some delay in the progress of Public Business was caused by the line which those Gentlemen took. I am bound to say, however, that in my opinion they were perfectly justified in the course they pursued—though among them there were new Members who may not have acted quite in the Parliamentary spirit which I have no doubt they will learn to appreciate. To maintain that business of importance should not be proceeded with by the House in the form of Continuance Bills was a sound position. It was so recognized by the House. When it was so recognized, the obstructive opposition, up to that point justified, was withdrawn; and I have no doubt that, in opposing the measures of the Government during the present Session, the Irish Members will oppose these measures in a Parliamentary manner, and will do their utmost to meet the wishes and feelings of the House. I will make one more observation, in consequence of what has been said by the hon. Member upon what I have described as the conventional language which obtains during the Recess. It has been said that certain expressions were uttered in the course of “an after-dinner speech,” and the fact that the speech was made after dinner has been held to be almost as “disreputable” as the words themselves. Now, after-dinner speeches are part of the “Manners and Customs of the English People;” and there is no Assembly in the world in which there are more after-dinner speeches than in the House of Commons. It has been my duty to speak frequently during the time I have sat in this House, and I am sure that the majority of the speeches which I have had to intrude upon the House have been after-dinner speeches. I cannot, therefore, admit this as an excuse or a reason for the use, by any Gentle-

man, of language which is not justified. The hon. Member who spoke second in the debate (Mr. O'Connor Power) asks what we on the front Ministerial Bench should have done if this expression had been used respecting us? Well, Sir, what I should have done—and I think I may say what all my Colleagues would have done—would have been to take no notice of it. At the same time, I do not say that the course we should have pursued ought to prevent Irish Members from receiving the satisfaction to which they are entitled from my hon. and learned Friend, who has now an opportunity, in a full House, of doing that which is, I think, the privilege as well as the duty of an English gentleman when he has done wrong—that which will only cause his friends to respect him the more—I mean, frankly express his regret for having inadvertently given pain to others. I hope that my hon. and learned Friend will now make use of this opportunity—will remove all ill feeling on the part of hon. Gentlemen opposite, on account of his language, and that we shall be able to extricate the House from the painful necessity of making this a question of Privilege.

Mr. LOPES: Sir, I should have risen before to say what I am now about to say, if it had not been for the tone and manner of the speech of the hon. Member for Louth (Mr. Sullivan). When, on Friday last, in answer to a Question, he called upon me to retract the words of which he complained, I felt some difficulty in doing so; and I will shortly state why. I felt that if I had done so, I should, on the one hand, have been admitting the use of words in a sense which I disclaimed; and, on the other, would have been abandoning them in a sense which I avowed. There was another consideration which influenced me—be it right or wrong—and it was this. The question being raised as to whether a breach of Privilege had been committed, I thought it was a dangerous precedent to introduce into this House, that any hon. Member should be at liberty to call any other Member to account for words uttered in the Recess, and with regard to a matter not before Parliament—especially after the hon. Member had distinctly stated that he intended no personal allusion, but that the words merely alluded to the conduct and tactics of a certain Party. These were

the grounds on which I acted on that occasion, and I trust that the House will be of opinion that these grounds were not altogether unjustifiable. After what has fallen from the right hon. Gentleman the Prime Minister, I will now take a course which I hope will be approved of by the House, and which will be acceptable to the hon. Members who entertain the same views as the hon. Member for Louth. I am prepared to say that if by the use of the word "disreputable" I have caused pain to any hon. Member who holds the particular views to which I have alluded, I much regret that I made use of that word. I am bound, however, to say, in my own exculpation, that the hon. Member for Louth allowed six months to elapse without communicating with me by letter, or in any way whatever, and that he sits in the House for one week after the opening of Parliament, and never verbally or otherwise communicated to me that he had been annoyed by words spoken six months before. On Thursday last he gave Notice of a Question, which he put on Friday, and did not communicate with me till that Notice had been publicly given. Let me, in justice to myself, say that if he had written me a letter to say that he felt annoyance at the words which I had used, I should have immediately withdrawn them. [MR. SULLIVAN: I wrote a letter to the hon. and learned Member.] If the hon. Member had given me Notice on Thursday, I would have said unreservedly what I have now said to the House. The hon. Member says he gave me notice. He gave me notice in this way. A letter was put into my hands on Thursday evening as I entered, and when I came into the House, Notice of the Question had been publicly given. Surely, when the hon. Member talks about frankness and candour, it would have been more frank and candid if the hon. Member had given me an opportunity of explaining before he brought the matter before the House. I do not propose to make a single remark with regard to the speech of the hon. Member. He has effectually answered himself when he has thought fit to make public in this House the private communications that passed between him and the hon. Baronet the Member for North Lincolnshire. That is a more complete answer to the hon. Mem-

ber when he talks of frankness and candour, than anything I could say. Again let me say that, if upon that convivial occasion I made use of expressions which caused pain, I regret that I did so, and that if I had anticipated that the words to which exception has been taken would have caused such pain, I would never have used them.

MR. SULLIVAN said, he would ask the permission of the House to withdraw his Motion. In doing so, not a syllable should fall from him calculated to impair the kindly spirit impressed on the debate by the right hon. Gentleman at the head of Her Majesty's Government, and he should be careful not in any way to retort upon the hon. and learned Member for Frome. He was anxious, however, to remove two serious misconceptions which the hon. and learned Member for Frome appeared to labour under. In the first place, he never had any conversation on this subject, either in private or in public, with the hon. Baronet the Member for North Lincolnshire. In his remarks he was simply referring to the correspondence which had been published in the public Press. In the second place, he wished to set himself right with the House as to the charge of his having shown a want of courtesy to the hon. and learned Member for Frome. The hon. and learned Member had said that the words complained of were used six months ago, and yet no communication had been made to him until the present time. But it was the determination of certain of the Irish Members of that House to call attention to the matter the moment Parliament opened. In justification of the course he had adopted, he deemed it right to explain that it was not until Thursday afternoon that he found that in the absence of another hon. Member he was expected by his hon. Friends to put the Question he had done to the hon. and learned Member for Frome. On receiving this information he had, before drafting the Question, written a letter to the hon. and learned Gentleman, and had left it for him at the door of the House, and then, and then only, he gave Notice of his Question. It might be asked why he did not wait for a day or two to hear from the hon. and learned Gentleman before he gave Notice of his Question. He did not do so, because he had been told, for the first time, that if he had allowed

eight days from the sitting of Parliament to elapse before putting the Question, he should be precluded by the Forms of the House from putting it at all. Having explained these two matters, he begged, after what had fallen from the hon. and learned Member for Frome, to withdraw his Motion.

Motion, by leave, *withdrawn*.

ARTIZANS DWELLINGS BILL—[BILL 1.]

(*Mr. Secretary Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Cross.*)

MR. STANSFELD said, that in the last Session of Parliament the hon. Member for Hastings (Mr. Kay-Shuttleworth) brought forward a Resolution which had for its object the improvement of the dwellings of the working classes in the metropolis; but it was withdrawn in consequence of the satisfactory statement made in reference to it by the right hon. Gentleman the Home Secretary, and by the Bill now before the House the right hon. Gentleman appeared to be redeeming the promise he made on the occasion referred to. In introducing the measure the right hon. Gentleman anticipated the willing acceptance by the House of what he called the principle of the measure, and he (Mr. Stansfeld) thought the right hon. Gentleman was justified in his anticipation, that the House would receive favourably the objects of the Bill, and that hon. Members on both sides would lend what assistance they could to the Government in putting it into a practical shape. For himself, he could truly say that it was his earnest desire to assist the Government in carrying the Bill, and to put it into such a shape as would insure its efficient working. The right hon. Gentleman the Home Secretary, in addressing the House the other day on the subject, had indicated the principles which had guided and, in a certain degree, restricted him in drawing the measure. The right hon. Gentleman said that it was no part of the function or duty of a Government to provide any of the necessaries of life for any class of the population—and among those

necessaries the right hon. Gentleman included healthy and decent dwellings for the poor—nor to bring to bear any influences calculated to pauperize our poorer classes. He (Mr. Stansfeld) held that to be a very sound principle; they had a law of general application which was not based on a principle of that kind, and that was the Poor Law, which was the very reverse, because it recognized the right of every inhabitant of the country in want of the necessaries of life to be provided by the guardians. Beyond that, he further thought the enunciation of the principle was very timely made, inasmuch as if the measure were successful, it must prove very expensive in its working, and would result in no slight addition being made to the burdens of the ratepayers. But precisely because of the existence of the Poor Law and because it was necessary that a law of that description should be very stringently administered if they desired not to pauperize in thought and in habits of life the people of the country, they ought to be extremely careful not to bring to bear influences of a similar description upon those who were outside that law. Although that was true, the right hon. Gentleman had proceeded to show that much might be done consistently with sound principles of political economy to raise the standard of healthiness, comfort, and decency of the whole of the working classes and of the poorer classes of the community by the removal of unsuitable and insanitary dwellings and by the substitution of others of a superior character. By raising the character of the average number of dwellings the character of the minimum would also necessarily be raised and the poorer classes would by degrees be led to look for comfort, decency, and healthiness in their homes, and owing to the beneficial effect of such a change and of increased educational influences on their minds, we might eventually be able to leave the result to the natural operation of the law of demand and supply. A certain number of unwholesome houses being razed to the ground and a number of healthy houses being erected in their stead would operate in two ways. In the first place, there would be a number of fit in place of a number of unfit dwellings for the poor, and secondly the character of all similar dwellings in the area would be raised. The machinery

Mr. Sullivan

of the Government Bill was of a nature familiar to the Local Government Board and to the Home Office, and the object, as he understood it, was to facilitate such large improvements as had taken place under public Acts of Parliament in cities like Glasgow, Edinburgh, and Liverpool, and to advance such operations by substituting for the expensive method of a Private Bill the method of local inquiry, provisional order, and confirming Bills, undertaken by the Home Office or by the Local Government Board as the case might be. The right hon. Gentleman had spoken of the enormous saving of expense which the adoption of this plan would result in to the cities and boroughs which might avail themselves of the provisions of this Bill. For his own part, he (Mr. Stansfeld) was not certain that that sanguine view of the right hon. Gentleman would be borne out; but he freely admitted that the Schedule of the Bill seemed to be a distinct improvement upon the powers of the Lands Clauses Consolidation Act. Independently of the question of expense, however, he saw facilities for, and inducements to, action in the fact that under this Bill the Home Office and the Local Government Board would be associated with the local bodies throughout the country in all works of this description. Having expressed a general approval of the objects of the measure, and of the principles laid down by the right hon. Gentleman, he would now deal with the evils to be remedied, and the nature of the legislation that was required to cure them. The extent of those evils might be ascertained from the speech of the right hon. Gentleman and from the Preamble of the Bill. The right hon. Gentleman in his speech referred to two classes of evils—the first being the existence of “crowded districts” and the second being the existence of “groups of houses” or even of single houses existing under conditions making them unsuitable for human habitation, calculated to promote unhealthiness, if not actual disease. In both cases no expenditure of money would make many of such “districts” and “groups” habitable. The ground was in many instances so saturated with everything abominable that nothing could be done unless a clean sweep was made. In corroboration of that statement, the right hon. Gentleman further

said that there were not only houses but districts over-crowded; that in some cases the houses were so engrained with disease, that no expenditure of money upon them could make them healthy; and that the only practical way of dealing with them was to take them down. The Preamble of the Bill was equally explicit. It stated that there were in cities and boroughs a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, proper convenience, or other causes, were unfit for human habitation and fostered disease and death, not only in those houses, courts, and alleys, but in the neighbourhoods in which they were situated. Those evils the right hon. Gentleman proposed to deal with; but when he passed from the speech of the Home Secretary and the Preamble to the enacting clauses—and he referred specially to the 3rd clause—he was struck by the strange falling-off in the phraseology. So great was the difference that he could not help feeling there must have been some change or uncertainty of purpose when the enacting clauses were being drawn. If hon. Members would compare the wording of the 3rd clause with the intention of the Government as expressed in the Preamble, they would find that while the speech of the right hon. Gentleman and the Preamble contemplated dealing not only with large areas, but also with groups of houses and single houses, whenever the conditions affecting them were injurious to the inhabitants or to the neighbourhood, the 3rd clause was entirely confined to this case—namely, that it was necessary to discover “a certain area” whose condition and character was such that it became advisable and necessary that the whole of the area should be taken by compulsory powers and covered by new streets and buildings. He had been unable to see what advantage could be gained by this clause, which would not deal with groups of houses or isolated houses. If this clause should not be amended, the right hon. Gentleman would, after all, be conferring hardly any additional powers on the urban sanitary authorities of the country, because under the Public Health Act of 1848, the Local Government Act of 1858, and the Act of 1866, streets could be widened and new streets made through

any part of the areas within the jurisdiction of those authorities, and the judicial interpretation put upon the word "street" was "a roadway with houses on both sides." He had, however, so much faith in the statement of the wishes and objects of the right hon. Gentleman that he was full of hope that if the criticisms he had ventured to offer were found to be sound, the right hon. Gentleman would see his way to amending that clause so as to make it more in accordance with the objects set forth in the Preamble of the Bill. There were other Amendments of perhaps less importance to which he might point, but which he would defer alluding to until the Committee stage was reached. One observation, however, he thought it right to make. The success of the measure must very largely depend on the cost of carrying it into operation, and therefore he had looked at the Compensation Clause with considerable anxiety and interest. The right hon. Gentleman had taken a sound view in saying that no more than the fair market value should be given to the owners of property to be levelled under the provisions of the Act. But he would suggest for consideration that if the principle were applied without any further precautions than those expressed in the Bill, the Government might find that it would not operate as they wished—it would operate rather to give more than justice to the owners of certain properties, and less than justice to the ratepayers of the localities. They must remember that in many cases the houses to be dealt with would be property in a condition which the existing law condemned. They all knew that the return of capital invested in this poor class of tenements was very much larger than that invested in better houses. He therefore trusted that the Government would not allow owners of property who were not sufficiently conscious of their duties to profit by their own wrong. If houses were in a condition which the existing Sanitary Acts condemned, he thought provision should be made in the Compensation Clause to make a reduction from the *primâ facie* market value of such property, on the hypothesis that it was fairly chargeable for the amount necessary to put it in a state which the existing sanitary law of the country demanded. If that were done he thought the Bill would leave

them with very general assent, and would be a piece of legislative sanitary work creditable to the Government and satisfactory to the House.

SIR SYDNEY WATERLOW said, that all those who took an interest in the permanent welfare of the working classes and desired to see them raised and elevated in the social scale would, he thought, rejoice to find that the Government had given the House such an early opportunity of criticizing the measure by which they proposed to deal with the important question with which the Bill dealt practically and effectually—namely, that of removing the evils of overcrowding not only in the metropolis, but also in the various large towns of the country. The opportunity afforded during the last few days of a careful examination of its clauses had satisfied him that if it was to have any real effect in removing those terrible evils which arose from overcrowding in badly-constructed, ill-ventilated houses, many of the clauses would require considerable alteration. The Bill was, unfortunately, to too great extent a Permissive Bill. The district medical officer might report to the vestry that a certain area was unhealthy; then the local authority might or might not determine that the prevalence of disease in the district was reasonably to be attributed to the closeness of the houses, and the confirming authority was to inquire as to the correctness of the official representation; and, finally, Parliament must determine whether the Provisional Order ought, or ought not, to be confirmed. As the Bill stood, therefore, it depended entirely on the discretion and will of the district medical officer whether it was operative or inoperative. He was quite aware that there was a clause permitting the Board of Works, with the consent of a Secretary of State, to appoint a duly qualified officer to make a special inquiry; but that placed the Board in a very invidious position. Its members were elected by the vestries, and it would not be a pleasant task for them to initiate an inquiry for the purpose of reviewing the decisions of those whom they represented. If the Bill was to work, time to be saved, and the Metropolitan Board to be free to act whenever and wherever required, their own officer should be appointed to make the necessary official representation in the first instance. The vestries could not

Mr. Stansfeld

complain of that, as the Metropolitan Board were to find the money, and they might be safely trusted to initiate the improvement schemes and to determine the unhealthy districts in which the improvements were to be carried out. If this course were taken the district medical officers would be relieved from what would frequently be a very embarrassing position. The vestrymen constantly endeavoured to exercise considerable control over those officers, and were frequently the owners of, or largely interested in, small house property in their own districts, and strongly objected to have it interfered with. Again, he could not see why it should be necessary to have 20 persons to complain of the unhealthy condition of any particular area. In many cases it would be difficult to get so many persons to act together, and he trusted the right hon. Gentleman would have no objection to make a reduction in the number. If it were necessary to remove a disorderly house in any court or street, it was sufficient for two persons to complain, and five persons would be amply sufficient in the case of an unhealthy district, instead of 20. Under Clause 5, the scheme of a local authority was to provide for the accommodation of as many persons as should be displaced. He presumed that meant that sites should be provided for the erection of dwellings for as many persons; but he trusted that in Committee the House would consent to insert the words "at least" as many persons. Schemes of the kind proposed must be prepared and carried out with a view to the future, even more than the present, condition of the metropolis. The population was rapidly increasing, the accommodation to be now provided might be found insufficient 25 years hence, and if the new buildings were properly designed it was easy enough to arrange for the accommodation of twice or thrice as many persons to the statute acre as there were at present, and to secure at the same time the best possible sanitary arrangements. He could point out several blocks of workmen's dwellings in London, six or seven stories high, where there were more than 1,600 persons to the statute acre and perfect through-ventilation in every room. Perhaps the most important clause in the Bill was the one which directed the manner in which the scheme was to be carried out

after the properties had been acquired; and here again the permissive principle was introduced. The local authority might sell or let all or any part of the property for the purposes intended; but the whole object of the Bill was that they should sell or let subject to the conditions laid down. If they only sold or let a part there seemed no provision for dealing with the remainder. Probably the Home Secretary would consent in Committee to the modification of this clause, with the view of bringing it more into accord with existing legislation—namely, Clause 49 of the Metropolitan Streets Improvement Act, 1872. One part of the subject did not appear to be definitely dealt with in the Bill. The medical officer was to report that a certain area was unhealthy owing to the closeness, narrowness, and bad arrangement of the streets and houses. That state of things would generally be found in the courts and alleys at the back of some of our leading thoroughfares. The public outside saw the glittering lights of the gin-palaces, and the beautiful plate-glass windows of the tradesmen's shops, but they knew but little of the overcrowding, the misery, and the wretchedness in the old and worn-out lodging-houses in the rear. If these were to be removed and the area improved and properly ventilated, a new thoroughfare must be driven from the main street. That would necessitate the removal of some valuable property, the sites of which should be let or sold for commercial purposes, if the improvement were to be carried out at the minimum cost. Some provision should be inserted in the Bill for dealing with this kind of property, and a question must arise whether the owners of such property were not entitled to the usual 10 per cent for compulsory sale, as compared with the owners of houses unfit for occupation and increasing the death-rate and disease-rate of the locality. A tradesman selling adulterated food might be fined and the food seized, but the man who let a house, spreading disease among the inhabitants, should be satisfied with the provision in the Bill which gave him the market price of his property. Clause 16 permitted the local authority to borrow on the security of the lands acquired. That, he thought, would very much interfere with the prompt execution of the

scheme. It would certainly be cheaper and more simple to borrow on the rates, for if the land were mortgaged no one would build until the mortgage was released. A further difficulty arose from the fact that it would prevent persons who were desirous of borrowing money from the Public Works Loan Commissioners, for the purpose of building improved dwellings on the land in question, from doing so, for the Commissioners would not lend money on mortgaged land. It was gratifying to find that the Bill proposed to give authority to the Public Works Loan Commissioners to advance money for the purchase of the lands at $3\frac{1}{2}$ per cent interest, the capital to be repaid over a period of 40 years. The Commissioners now charged the companies erecting workmen's dwellings 4 per cent, redeemable in 40 years, necessitating a net return of £5 1s. per cent. The lower rate would be a great advantage. It was almost impossible to build tenements for the lowest class, and secure a return of £5 1s. per cent. The reduction of the rate and increase of the time for repayment would enable building companies to make a corresponding reduction in the rents—say, from 2s. per room per week to 1s. 9d. or 1s. 10d. When the Bill was before the House last week, a strong opinion was expressed that the lowest class of day-labourers were not benefited by the erection of the new dwellings, and that only a small percentage of them were able to secure the new and improved accommodation. No doubt, that statement was to a great extent correct; but he ventured to say, from some years' practical experience, that the lowest and poorest class were benefited in the only way in which, with a due regard to the future, they could be benefited. The steady labourer, the hardworking artizan—in fact, the respectable portion of the poorest, were only too glad to remove at once into the new tenements, leaving their neighbours more room, more breathing space, and lower rates, consequent on the increased demand. The House must look hopefully to the future of the working classes, believing that before another 50 years had passed away every family might be able to secure what was regarded as a first-class tenement, and that the back slums of to-day might be matters of history only. He hoped after the second reading had passed some time would be

allowed to elapse before the Bill went into Committee, in order that hon. Members might discuss the various clauses with persons interested, and see how they would affect them.

MR. RITCHIE said, he rose to congratulate the Government upon having at the earliest possible moment redeemed the pledge given last Session. He was glad that that should be the first of the Government measures which came on for a second reading, and he believed that the Home Secretary had only endorsed the feeling of the country, which had been strongly impressed with the urgent necessity for such a measure. If the young were to grow up in moral and physical strength, the courts and alleys which bred disease and death in so many towns must be rooted out. The 1st clause confined the operation of the Bill to large towns and cities; but he saw no reason why, if it were of any good at all, it should not be equally good for small towns and villages. He had been in small towns where there was just as much necessity for the Bill as there was in London; and he had been in some country districts, where the dwellings of some of the labouring classes were to the full as bad as anything of the kind which he had seen in any town in England. In one village with which he was acquainted there was a row of houses in the main road leading from the railway station to a village which was a nest of disease and infamy. Attempts had been made to buy these houses; but they brought such large rentals, and the price demanded for them was so high, that it had been as yet impossible to remove the nuisance. Under Clause 3 the medical officer must be satisfied of the existence of the evil, and then the local authority must be convinced, first, of the truth of his representations; secondly, the practicability of the remedy; thirdly, the sufficiency of their resources; and, lastly, the advantage to be derived to the district. But what appeal or remedy was left to the ratepayers, supposing that the medical officer was not satisfied of the existence of the evil, or if the local authorities were not convinced in regard to the four conditions necessary to action? He would suggest that, if the decision of the medical officer and of the local authority were against anything being done in a particular case, it should be open to a certain number of rate-

Sir Sydney Waterlow

payers to appeal to the Secretary of State; and further, that when it was proposed to remove more than 500 persons, a certificate should be given that suitable accommodation existed for them in the immediate neighbourhood. He failed to see in the Bill any provision for the housing of the people who were to be turned out of their homes in the first instance; but the Glasgow Act did not contain a provision to meet the case and to prevent people being turned out into the streets. It would be expedient to enable local authorities to do what had been done in Glasgow for the migratory class. Common lodging houses were often indecently overcrowded and unhealthy; the Corporation of Glasgow had provided suitable accommodation for 300 males and 100 females, at a charge, first of 3*d.* and now 3½*d.* each per night; and that had been done without any cost to the ratepayers, for the income produced a return of 5 per cent on the outlay. Satisfactory as that result was, it was equally satisfactory as regarded the health and cleanliness of the lodgers, and he therefore trusted the Home Secretary would find himself able to adopt something calculated to work in the way he proposed.

MR. WADDY said, that when the right hon. Gentleman the Home Secretary introduced his Bill the other evening, he had no reason to complain of the welcome accorded to it on both sides of the House, and he (Mr. Waddy) believed that the same cheerful acclaim would be given to it during the several stages which it was destined to pass. If, therefore, he found fault with it now, it was not for the purpose of opposing the second reading, but because he thought examination showed that there were many deficiencies that would have to be supplied, and it would facilitate the progress of the Bill if the right hon. Gentleman would adopt some of the suggestions that were made to him, so as to obviate the necessity of their being moved by way of Amendment. There appeared to be a wide difference between the apparent intention of the Preamble and the Bill itself. He maintained that provision was not made in the Bill for the class of persons referred to in the Preamble. The description which was given was not applicable to the ordinary run of the working classes. It was very

true that there were in many cities and boroughs places unfit for human habitation, but many of the people who lived in them were not able to pay higher rents if a better class of dwellings were substituted. He called attention to the 3rd section to show how vain it was to expect the local authorities would move. The medical officers might be prepared to do their duty with earnestness and loyalty to their office. They would report to the local authorities, who would take the representations into consideration. If they were satisfied of the truth of the representations and the practicability of applying a remedy, and if they were satisfied of the efficiency of the resources—which they never would be so long as the money had to be got from the ratepayers—and if they were further satisfied of the advantage to be derived in the district within their jurisdiction, then they were to do this, that, and the other. The difficulty would be in driving the unwilling horse to the water and getting him to drink. There were remedies already existing for many of the objects sought to be attained by the Bill. There was a remedy for overcrowding, and if that were not properly applied, for the very same reason the local authorities would not be driven to carry out the provisions of this Bill. The people of Glasgow had carried out their scheme loyally, honourably, and well, no doubt, but the result of their evictions, and the substitution of new dwellings, was this—that the rent paid in the old houses was 9*s.* 7*d.* as against 11*s.* 6*d.*, and 11*s.* 5*d.* as against 18*s.* 1*d.* in the new buildings. There was an increase of 20 per cent in the rent of one apartment, of 20 per cent in two apartments, of—if it were not a misprint—58 per cent on a dwelling of three apartments, and of 28 per cent on one of four apartments. The same result was apparent in the case of the Waterlow and Peabody Buildings in the City of London, where the charges ranged from 5*s.* 6*d.* to 8*s.* 6*d.*; whereas, from inquiries made within the last few days, he had found in the City many houses with four rooms, and one family in each, paying rents in the front of 2*s.* 6*d.* and 2*s.*, and at the back of 1*s.* 9*d.* and 1*s.* 6*d.* per week. The fact was, the Bill did not go the full length that he wished. It did not substitute other places for those that were pulled down, but gave dwellings of quite

a superior character. Of what use was it to tell the poor people who were evicted that they should have a handsomer lodging, if they paid more than they could afford to pay? It was Tantalus improved. They could not scrape together the money which was wanted for this extra rent. In some respects the remedy might be worse than the disease. The Waterloo Buildings and the Peabody Buildings were altogether out of the reach of many of those people who were evicted. Nor could persons who were not of a certain respectability have apartments in those buildings, even at an increased rent; for an inspector was sent to their former lodgings to report upon the state of their furniture. He, therefore, said they were not dealing with the stratum of society which they ought to provide for. He did not mean to obstruct the Bill. So far as it went, it was an admirable Bill; but they must take care that they were addressing themselves to the necessity which really existed. In the case of the Peabody Buildings, they had had a glorious sum of money to handle, and the matter had been dealt with on principles of philanthropy, so that a large income for the capital was not required. If the Home Secretary was prepared to do something of that kind, he might tempt people to build houses under the Bill which would answer somewhat the objects they had in view. Practically the Waterloo and Peabody Buildings swallowed up the rents of the ground and first floors with the expenses of the ground rent, rates, and taxes, and for the repayment of capital and other outgoings the proprietors were obliged to rely on the floors above. Moreover, what were they doing with these new buildings? They were carrying them to heights far beyond safe and healthy proportions. It was held that the height of houses should not be greater than the width of the street by their side, but these model buildings far overtopped that proportion; and in the course of not many years we should be astonished at ourselves for allowing these buildings to be built, and for being rather proud of them than otherwise. If a fever or an epidemic were to break out in one of these blocks, it would run like fire from end to end, and the catastrophe would be all the greater from the means taken in building them to feed the disease. He

Mr. Waddy

protested against the application of the Bill being confined merely to London and large towns. That would undoubtedly prove a drawback to its usefulness. His earnest advice was that the Government should give the same facilities and privileges to the country as were proposed to be given to towns. There was quite as great need for active measures being taken in the country as elsewhere. It was absurd to try and cleanse the urban districts by means of such a measure, and leave the rural districts to fester and breed fever and all manner of complaints. It might be said that if it were extended to country districts, they would have to fall back on Imperial taxation. Well, he was prepared to justify that course. Fears were in certain quarters entertained that if the principle of the measure were extended as far as he advocated, the people would be pauperised. That was a mere apprehension, and had no foundation in fact. They were paupers already. ["No!"] They were not paupers in the strict legal sense, that he was willing to admit, but for all purposes of paying their way, and living in the manner proposed, they were paupers. Parliament, therefore, must be prepared to deal with the question in a great measure on principles of philanthropy. There were many places in the country, where there ought to be sweet air, which were quite as insanitary as any in London; and now, while they were preparing to improve one place here and another there in the large towns, there were 10 bad places for every one of these springing up every day in the rural districts. When it was remembered that London was not inhabited by Londoners only, but also by people from the country, and that there was a constant influx into the metropolis of persons from all portions of the Kingdom, it would appear perfectly fair that this should be made a matter, not of local, but Imperial taxation. This he said, not because he was opposed to the Bill, or to the great improvement it sought to carry out. He was actuated in his objections simply by the fact that he desired to see a complete, and not a skeleton, measure passed. He desired by every means in his power to help the Government to sweep away a gigantic evil, but he desired it to be done thoroughly. The Bill was a well-meant effort for the suppression of disease, for

the abatement of immorality, and for the general alleviation of the health, comfort, and well-being of the people, and as such he supported it, though it was incomplete, and much too limited in its application.

SIR JAMES HOGG said, that the short time which had elapsed since the Bill was printed made it quite impossible for him to give the opinions on this subject of the local authorities who would be charged with carrying out its provisions. He could assure the House, however, that they would be most happy to aid in carrying into effect any measure which had for its object the improvement of the dwellings of the poorer classes. Speaking for himself, he would say he thought the great question was how to make the matter pay. The question of cost seemed the most important part of the Bill. The machinery to effect an eviction appeared somewhat cumbrous, and the Bill was deficient in this—that it contained no provisions for taking away buildings which were not in an insanitary condition. If they wanted really to improve, they must have power to take property which was not insanitary, if only for the purpose of making better approaches to the improvements proposed by the Bill. He maintained, in opposition to the view of the hon. Gentleman who had just sat down, that it was no part of the business of Parliament to do anything towards providing the necessaries of life for the people, and that the works effected under the measure should be of a purely commercial character. He approved the provision which would secure a standing arbiter, for anyone who had had to do with compensations must be aware how useful such a provision would be. The Bill had been only a short time before them for consideration; but he believed that the Board over which he presided did not object to the second reading.

MR. RATHBONE said, the hon. and learned Member for Barnstaple (Mr. Waddy) had assumed that people lived in the fever nests which it was the object of the Bill to get rid of, because they were unable to pay for better habitations. He (Mr. Rathbone) believed, on the contrary, that a large number of those persons chose to remain in these wretched dens from carelessness, or because they made, in a great measure, the public-house their home. Nor could he agree with

the hon. and learned Member in thinking that there would be no disposition on the part of the municipalities to use the powers which this Bill would confer upon them. He was grateful to the Government and to the right hon. Gentleman for having undertaken to deal with a great evil. The Bill was a declaration by the Government, which he hoped would be backed by the still higher authority of Parliament, that it was the duty of the great towns to undertake in earnest the abatement of that evil of overcrowding from which so much of the disease and so much of the immorality of our population arose. It called attention also to the powers that now existed for dealing with these evils, and strengthened those powers, and, moreover, it removed out of the way that which in Liverpool had been found to be practically the great difficulty in carrying out these improvements—the enormous cost of obtaining the necessary land. To his mind the Schedule which did that was the most valuable part of the Bill. On the 19th of last month the Association of Municipal Bodies came to a resolution to memorialize Government in regard to “the present cumbrous, dilatory, and costly mode of proceeding to acquire property required by sanitary authorities for street improvements.” He had seen a draft of their memorial, and it would, no doubt, be satisfactory to the Home Secretary to know that his Bill, with some modifications in detail, anticipated to a very large extent what the united municipalities of this country were going to ask for. At the same time, he thought it would be no little encouragement to the House to grant such increased powers, if it looked to the effect which had been produced even by the imperfect and very expensive powers already given. He found from the report of the admirable medical officer of Liverpool, Dr. Trench, that although Liverpool had a larger number of inhabitants to the acre than any other large town, its population having been 98·9 to the acre in 1873, yet there were five towns, some of them with nothing like the same density of population, in which the death-rate was higher in the year to which the report referred (1872) than in Liverpool. He could not help attributing this, in part at least, to the very active measures which had been taken in Liverpool to improve the

dwellings. While thanking the Home Secretary heartily for the present Bill, he ventured to suggest that alterations might be made in some of the clauses which would remove practical difficulties that would arise from working the measure in its present shape. Clause 5 had struck him as unworkable, and he had asked the opinion of the Liverpool Town Clerk, who had written to him as follows:—

"It would be impracticable in the worst class of cases to carry out any scheme to comply with this clause. A proportion of the population must necessarily be 'displaced;' and it would be very injudicious, even with the help of block dwellings, to replace the whole population within the area, or in the vicinity. The clause is also not consistent with another provision prohibiting the sanitary authority from erecting buildings without the sanction of the Local Government Board. The provision should be—'And shall show how such a proportion of the working-classes displaced as shall be satisfactory, &c.'"

He would, for the present, allude to only two other suggestions. The most overcrowded places and the foulest fever nests in our large towns were often in the immediate vicinity of docks, warehouses, offices, manufactories, and shops. Ultimately a considerable part of the land on which the dwellings in question were built would be taken for business purposes, and its owners too often cared little as to its state so long as it paid a moderate interest until it was so wanted. Now, if the provision in the last paragraph of Clause 7 was retained, it would be rendered practically impossible, because too expensive, to carry the provisions of this Bill into operation as regarded that land. By insisting on the continued appropriation, without limit, of such land for working-class dwellings, the prospective value of the land would be destroyed, and it would become too expensive to use it for artizans' dwellings at all. Besides such a provision was quite unnecessary. The other suggestion he would make was, that the Bill should take wider powers to remove all impediments in the way of the flow of capital in the direction of this work of erecting and improving the dwellings of the working-classes. It was not merely in the way of demolishing existing dwellings and building new ones in their stead, but in the way of improving those which existed and the conditions under which they were inhabited that something ought to be done. That was a

process which would be more rapid in its effects, and experiments had shown that it might be done to a considerable extent and with considerable profit. It had, for instance, been carried out in London, where Miss Hill, who now had no less than 3,000 tenants, having bought property which was overcrowded or mismanaged and placed it under better management and under restrictions as to the number of people who should occupy a certain given area, and that had been found most successful. These efforts would be much facilitated, if a great deal of capital which was now prevented from finding such occupation could be set at liberty to do so. He alluded to the large funds in the hands of trustees for charitable purposes, and which by the existing law, were obliged to be invested in Consols. Now, if such funds could be invested in this sort of property, as well as in the public stocks, on such conditions and with such guarantees as would insure to the trustees an income equal to that which they were now deriving, great good might be done. He ventured to say it was possible, and he would suggest that power should be given to the Court of Chancery to sanction such investments.

MR. SALT said, he wished to thank the Home Secretary for having introduced the measure. In considering it, the first question they had to ask themselves was, whether the Bill would really be as operative and practical as was intended; or whether, by some accident, much of its power might not be destroyed. He should be inclined to say that the Bill was deficient in working power. He did not quite see where the strength lay which was to bring it into practical operation. He alluded to the 4th clause, by which the initiative was given to the medical officer. Considering the circumstances connected with the position of that functionary, and also how different his views might be in different localities, it was very doubtful whether that was the machinery which would give the best impulse to the Bill at its starting. He would suggest whether, in the first instance, all the local authorities might not be required to present a report as to the condition of the particular area over which they had the control, and the way in which they proposed to meet the necessities of that area. They would

Mr. Rathbone

have, by that means, a definite commencement of the work, and in the course of 12 or 18 months they might collect from reliable and responsible authorities, in all the towns to which the measure applied, a mass of suggestions and information of the greatest interest and value in regard to future operations. Again, it was impossible to form any idea as to what amount of expense would be incurred under the Bill—a very serious matter indeed in connection with the most difficult and troublesome questions of local taxation. As the measure now stood, they might in some places have a medical officer with curious or extravagant notions about health, together with a weak local authority, and the result might be that the ratepayers would be put to enormous expense in building palaces where nothing of the sort was required. It might very often be better not to pull down and rebuild at immense cost, but to repair and improve existing buildings. If they had before them the reports from all the local authorities of the country to which he had referred, they might be able to ascertain with some degree of accuracy what outlay it would be necessary to make, how much would be raised by private enterprize, and what amount would be thrown on the rates. But at present they would be taking a leap altogether in the dark; and after all their talk for years past about local taxation and the difficulties of the ratepayers, they should be careful how they plunged into an expenditure which absolutely knew no bounds. In entering on an enterprize of that kind, it was a wise rule to look around and see who had been working in that direction already, and working most successfully. He did not know that those who had been most successful in that way were the local bodies mentioned in the 1st and 2nd clauses of the Bill. If those bodies had had any building to do, they had generally been engaged in effecting large street improvements, rather than in providing more convenient dwellings for the poor. Those who had had most practical experience, and who had been most successful in the latter class of operations in the metropolis, were the men so well represented by the hon. Member for Maidstone (Sir Sydney Waterlow) and the Trustees of the Peabody Fund. Therefore it had occurred to him whether it

might not be possible to bring the efforts of those societies into far more definite and immediate play than was done by that Bill. If those societies wanted to work under the Bill, they had various local bodies to go to, and various impediments to overcome, which it was desirable to reduce as much as possible in order to attract a nymph so coy as capital was. The difficulty at present experienced by those societies was, not to get money, but to get sites for building purposes; and if facilities were given for obtaining sites, they would easily obtain the capital they wanted. He would therefore suggest—though he did it with some trepidation, because it might be impracticable—that one or two of the strongest and best managed of those societies should be incorporated, with powers to take land compulsorily. Those powers might easily be regulated and controlled, and then they would secure a machinery to do their work which had been tested by practical experience, rather than local boards, which possibly did not care a straw about the matter. He agreed, to a certain extent, with the theory of the Bill, that no extraordinary and special compensation should be given to the owners of unwholesome dwellings when compelled to sell them; but he did not like to see it so directly expressed in the Bill, seeing that it was inconsistent with the general practice as regarded property which the owners had been compelled to give up. He had always thought it a very fair principle in their legislation, when land was taken for public purposes by compulsion, that the private owner should receive compensation for that compulsion. However, he acknowledged that in nearly every case in which land would be taken compulsorily under the Bill he would be indisposed to award any extra price at all. But that was a very different thing from stereotyping a new idea into an Act of Parliament. He believed that few arbitrators would think of giving more than the market value for houses that were in a bad condition; but it was difficult to ascertain what was the market value of such property, which differed from day to day; and injustice might be done, if the arbitrator took the market value at the particular moment when it was exceptionally low, or exceptionally high. Every one would

agree that those who infringed the law by not keeping their houses in a proper state ought not to have a premium on the value of their property, but his answer to that was—"Let the law be enforced against those persons, and compel them to remove nuisances." He doubted whether it was wise to import by Act of Parliament a little bit of charity into a business transaction. Another question was, whether the Bill ought not to be applicable to places somewhat smaller than those now included in it, and where there were houses in a very unhealthy condition. It was of the greatest importance that the local authority should be able to grapple with the evil with which the Bill dealt as soon as possible, so that it might be eradicated at the earliest stage, before excessive overcrowding had occurred, and when it was possible to obtain sites for building at a reasonable cost.

MR. SHAW-LEFEVRE said, that as one of those who in the last Session had called attention to the subject, he would take that opportunity of expressing his satisfaction that Her Majesty's Government had taken up the question, and had brought in the present measure. The essential feature of the Bill—that of giving power to local bodies for the taking of land compulsorily—formed part of the Bill of the hon. Member for Finsbury (Mr. W. M. Torrens) in 1868, and he thought the hon. Gentleman must look with satisfaction to the recognition of the principle of his measure. That Bill, though passed unanimously by the House of Commons, was deprived of the principle in question in its passage through the House of Lords, and, although in its maimed condition, it had not produced all that was expected of it, he could not but think it contained a very valuable principle—namely, that owners of house property should be compelled to keep dwellings belonging to them in proper order and in a habitable condition. It might be easy for the Government to pass the Bill; but, after all, the true measure of success would not be the carrying of a measure, but the extent to which it would afterwards be put into operation by the local authorities. The danger attending it was the fear of expense felt by the ratepayers of the large towns, who were quite as sensitive to the burden of local taxation as people living in

country districts, for whom. hon. Members opposite had so much consideration. The observations, therefore, he would make would be directed to the possibility of reducing those expenses. The first point he had to deal with was the necessity, under the Bill, for the improvement schemes to come before Parliament for confirmation. He understood that when these schemes had been confirmed by the Local Government Board, or it might be the Home Office, the Government would take charge of them as Provisional Orders to the extent of supporting the second reading, after which they would go before a Committee in the usual manner. Now, there might be considerable danger of local boards having to submit to heavy costs before Parliamentary Committees. There was a time when Provisional Orders were almost sacred; but of late years, and especially since three Acts had come into operation which he had succeeded in passing when at the Board of Trade—namely, those relating to Tramways and Gas and Water schemes—he believed agents and lawyers had found that there was a good deal to be made out of schemes of that kind, and that, consequently, these Bills were not so free from opposition as they had formerly been. He thought that was a danger which was well worthy of consideration by his right hon. Friend opposite (the Home Secretary). It might, therefore, be well to provide that these schemes should be dealt with in the same way as schemes under the Endowed Schools Act, by being laid on the Table, and being thrown out only by a direct vote of the House, without going before a Select Committee at all; or a strict rule might be laid down with respect to the amount of costs before Committees. At present, he understood costs in the case of opposition could only be granted when the Members of the Committee were unanimously of opinion that the opposition had been frivolous. But inasmuch as schemes of this kind would come before Committees after having been investigated by a Government officer on the spot, any opposition that might be made before the Committee would be in the nature of an appeal; and it might be advisable, therefore, in the event of such opposition before a Committee being unsuccessful, to grant costs against the appellant. He threw

Mr. Salt

out these suggestions for the right hon. Gentleman's consideration. Another matter bearing upon the same point was the power of disposing of the unsanitary districts bought by the local authorities under the powers of the Bill. Might it not in some cases be advisable that some other dwellings than those intended for artizans should be erected upon the spaces thus secured? He threw out this suggestion, because it appeared to him that the schemes undertaken should, within reasonable bounds, be made as profitable as possible to local authorities, in order that the strongest objection to the working of the Bill—that of its cost to the ratepayers—might be removed or lessened. Under the Bill, as it at present stood, it was the local medical officer who practically determined what property should be included in the scheme, and the scheme itself was entirely confined to houses in an insanitary condition. No discretion was allowed to the local authority to include within its operations any houses or land that might be necessary to make the scheme workable; but it might be necessary to give proper access to the area dealt with, or to include certain other land in the immediate neighbourhood which was required to make the scheme a paying one, and he thought considerable discretion should be allowed to the local authority for that purpose. By driving new streets through the areas proposed to be dealt with, it was quite possible to raise considerably the value of the surrounding property, and if that was also acquired the local authorities would be able to some extent to recoup themselves for their outlay. This had been the experience of Glasgow, and similar results were met with in the United States. The Legislative Bodies of some of the States, such as those of Massachusetts and New York, had even gone so far as to declare that when an improvement scheme had augmented the value of property in the neighbourhood, an arbitrator should assess the additional value, which should then go to the credit of the Improvement Fund. He thought that was a sound principle, for inasmuch as an additional value would be given to adjoining properties, the owners of such properties should be subjected to a portion of the cost, and it was only fair and reasonable that the ratepayers should not have the whole of the burden of the improve-

ments cast upon them. As to the success of these measures, a friend in Boston had written to him to say that, although he had been much opposed to them at first as interfering unduly with the rights of property, he was obliged to admit that they had been productive of great benefit, and that by the adoption of the principle many schemes had been carried into effect which before would have been utterly hopeless. It was not probable that the right hon. Gentleman would be able to incorporate the principle in his Bill, but it was one well worthy of consideration as being calculated to effect, at little cost, great and much-needed improvements in the larger towns. As to the mode of assessing the value of property under the Bill, he quite agreed that where this unsanitary property was taken, there should not be the usual addition to the value on account of the property being taken compulsorily, and indeed he thought that there should be some further limitation as to the value to be given. If the property was in such bad condition as to come within the operation of the Bill, he thought that the owners were hardly entitled to receive the full value of it, and if the full market value were given them, in many cases too high an amount would be paid. He thought, therefore, it would be well to include in the present Bill a clause limiting the power of the arbitrators when determining upon the value of properties, and calling upon them to take into consideration the sanitary or unsanitary condition of the houses with which they were dealing. Further, he thought that as the Bill would, if passed, lay an entirely new charge upon the ratepayers, the Government would do well to consider the advisability of calling upon the ground landlords in the metropolis and the great towns of the country to bear a portion of the expense, more especially when they considered that their property would, by reason of the improvements, greatly increase in value. He made these suggestions in no hostile or captious spirit, but in the hope that the Bill might be productive of all the good its promoters desired.

MR. GRIEVE said, he had already placed a Notice on the Paper to the effect that this measure should be applicable to Scotland, and he had now to make an urgent appeal to the right hon. Gentleman that he would comply

with the request. In the borough he had the honour to represent there were localities he would not venture to describe to the House—it was sufficient for him to say there were confined spaces where fever, epidemic, and all sorts of filth and iniquity prevailed, and the inhabitants had long wished for such a measure as now brought forward by the right hon. Gentleman. He had already sent down the Bill to the local authority, and he ventured to say, no time would elapse before he should have urgent Petitions to that House in favour of the Bill. The right hon. Gentleman was in Scotland during the Recess and he (Mr. Grieve) confidently appealed to him to say what he saw in Glasgow and Edinburgh as to the working of the local acts of those cities. He was quite sure the authorities of Glasgow and Edinburgh would hail with satisfaction the introduction of a general measure, and he hoped the right hon. Gentleman would favourably consider his proposal.

SIR SEYMOUR FITZGERALD said, he agreed to a very great extent with what had been said by the hon. and learned Member for Barnstaple (Mr. Waddy). There were two ideas running through the Bill which seemed to jostle one another in the mind of the draftsman, but the two were altogether different. The first idea was implied in the title "*The Artizans Dwellings Bill.*" That title showed that the draftsman rather had in view what arose where, for public improvements, large clearances were made, and many working people were dispossessed of their dwellings. Side by side with that there seemed to be the question, with which they were all desirous to deal, and that was the clearing away of fever nests. These two subjects, however, must be dealt with in very different ways. As to the first of them, he entirely agreed with what was said in the opening speech upon the introduction of the Bill, that it was no part of the duty of a Government to provide houses for other persons, and that any such transaction must be treated in a very great degree as a commercial question. The enterprise into which the local authority was called upon to enter therefore should be self-supporting. That was the case when they were providing houses for those who were well able to pay for them. But in clearing unhealthy districts which

caused disease and crime, it was only just that the local ratepayers, who would be largely benefited by the process, should be called upon to bear a proportion of the expense, and that this branch of the question should not be regarded as a purely commercial matter. He thought the Bill would be totally inapplicable to those cases where it was requisite to provide habitations for men who were removed from old dwellings in consequence of improvement. It would be most absurd to give compulsory powers to a railway company, for instance, to take property and turn people out of their houses, and then immediately to give compulsory powers to the local authority to take possession of property in order to find habitations for those who had been already displaced by compulsory powers. Everyone who knew the condition of that metropolis was aware that portions of some of the larger estates were occupied by an inferior class of houses, that those houses were so circumstanced that the neighbourhood was unhealthy, and that consequently the property around was seriously deteriorated. Now this Bill proposed to give the local authority compulsory powers to take possession of those unhealthy areas; but why should not compulsory powers be given to the owners of property to remove plague spots from their estates? An owner of property where improvement was necessary ought to be enabled to call upon the local authority to contribute a certain portion of the expenses of the improvement if he expressed his readiness to carry out the improvement instead of requiring the local authority to do so. There need be no fear that the medical officers would not put in force the powers of the measure. He was quite sure that nobody who knew the spirit of the medical profession, and particularly of that class of it who were engaged as medical officers under various sanitary boards, would concur in the fear which had been expressed on that subject; in fact, his fear was that they might probably, in their zeal, be carried farther than was desirable. Moreover, the 4th clause provided that when 20 or more persons liable to be rated to any rate under this measure, complained to the medical officer of the unhealthiness of any area within his jurisdiction, it should then be the duty of the medical officer to in-

Mr. Grieve

spect such area, to make an official representation of the facts, and to state his opinion whether it was an unhealthy area or not. He believed that the Bill, when amended in Committee, would be found to be a most valuable one, and that it would work well, and the principal question which he hoped the Home Secretary would consider was, whether it was not fair that the measure should provide that some proportion of the expenses should be borne by the ratepayers, as they would benefit so much by the improvements made.

Mr. JAMES said, he imagined that in the abstract there could be but one opinion of the question of the domiciliary condition of the poor in our large towns. It was admirably expressed by the Prime Minister in opening the Shaftesbury Park estate, that the best security for the well-being of the artizans was to be found in their dwellings. This was apparent in all our large towns, and the matter hardly came within the limits of ordinary party feeling. If the Home Secretary was able to accomplish even a small portion of what he desired to achieve, he would not only deserve, but receive the thanks of the working-classes, and those who took an interest in the health of the poor. Whether or not the Bill was productive of great or small results, the discussion of its provisions in this House would bring prominently before the public mind a fact now too frequently overlooked, that was how much the dwellings of the rich and poor were put down in localities which were so distinct. If any one went out into the metropolis, or any of our large towns, they must have observed how social distinctions of this kind were maintained; the poor were kept out of sight and so out of mind; and when one thought of the old aphorism that one half of the world hardly knew how the other half lived, one was obliged to acknowledge the large amount of truth it unfortunately contained. In this Bill there was a very great deal of good, but it proceeded partly on a wrong principle. He must confess to a feeling of surprise that a Conservative Government, which raised an outcry, not long since, about over-legislation on social questions, should have put forward this measure under rather exceptional circumstances, as hitherto it had generally been left to individual enterprize to provide ac-

commodation in the matter of dwellings. No doubt, the difficulty of uniting philanthropy and business in these matters was a great one. He had faith in commercial principles, and could not help thinking that interferences with the laws of supply and demand might lead to results the very opposite to those which their promoters supposed. They wanted to see how far the Bill would proceed on sanitary grounds rather than in the matter of providing dwellings for artizans. Ought not the erection of houses for this purpose to proceed solely on commercial grounds. He was informed on authority, which no one could dispute, that plenty of money was to be secured for this object at 4 per cent, and he could not help thinking that building societies—which had done so large an amount of good—combined with the enforcement of the sanitary laws, would meet the exigencies of the case. He agreed with the criticism that this was legislation of a partial kind. He had spent some time in investigating the matter, and he was sorry to say he had seen homes of the poor which were absolutely unfit for human beings to live in. He had seen some in such a state that any master of foxhounds in that House would be ashamed to kennel his dogs in them. But legislation of the character proposed would defeat its own ends. In our large towns the demands of the labour market had been so great that almost every hole and corner had been ransacked to make house-room for the workmen. If, under this scheme, the houses were let for philanthropic purposes, it would raise the rates, although not perhaps in the particular locality in which the scheme was being carried out, for the question arose, how were they to assist those whom they had displaced. He was afraid that in some instances they would drive them from bad to worse. Mr. Chambers, in his Report on Edinburgh, stated that 410 families were dispossessed by certain improvements, and found dwellings elsewhere. In the Report from Glasgow, it was said that attempts were made on one occasion to trace the population thus dispossessed to their new homes, but without success. It would be a great evil if they drove them back to some poorer district, where they would be unable to obtain work and the necessities of life. There was, besides, no

doubt that many of the local burdens in large towns were so great, that the local bodies would resent any further incubus on the rates. He regretted that the House had not some clear and accurate facts which would give them an exact statement as to how far the rateable property in the 64 towns of upwards of 25,000 inhabitants, had increased, and what was the present burden of the rates. They would then be better able to understand what they were about. He remembered that last year, in introducing the Licensing Bill, the Home Secretary alluded to the necessity of the working classes having happy homes. If so, let them hope they would be surrounded by the comforts which made home happy. He was anxious to know whether the Licensing Bill of last Session had proved a boon to our working-class population; he should be glad to hear from the right hon. Gentleman what effect that measure had had on drunkenness in Liverpool? Nothing would give him greater pleasure than to hear that its results were contributing to the diminution of that great evil. He then alluded to the remarks of the Home Secretary, who, in introducing the present Bill had said, it was based on three assumptions,—first, that it was no duty of the State to provide its citizens with the necessities of life; secondly, that if you do not take care of yourself the State will take care of you, was one of those axioms that no Government should endeavour to have enforced; and thirdly, that it was our duty to do everything we could on sanitary grounds. On the latter point, they were all agreed; but with reference to the other two assumptions, he did not know whether the Home Secretary was thinking of an ideal state in which the Poor Law could not exist. To provide the poor with the necessities of life was the very object and purport of the Poor Law Board of this country, and he believed that we always would make provision for the destitute poor. If, sometimes, the administration of the Poor Law was severe, it was in order that the spirit of independence among the poor might be sustained. As to the Government encouraging local bodies to erect buildings for artizans and others who might thus be stigmatized as paupers, the Poor Law might be greatly enlarged. A good deal of action had been taken in

this matter by voluntary societies, such as the Charity Organization Society, than which, he believed, few charitable bodies had done more good in the metropolis and through the country; but he was sometimes led to fear that from the manner in which gentlemen brought together at such societies expressed their views, they might do harm sometimes to the very parties to whom they were so eager to do good. The Home Secretary had laid upon the Table an account of what had been done in some of our large towns, and in some, it appeared there had been a very large increase of public expense. In Glasgow it amounted to £300,000, and in Edinburgh to £265,000. That was a large expenditure indeed, and rather ominous to public bodies. He hoped that from the few criticisms he had passed in reference to this Bill, it might not be thought he was indifferent to the great question of welfare and the homes of the poor. He knew enough of the condition of such homes, and how much of happiness or misery must depend on such conditions, but he was also aware that the greatest happiness lay in the feeling of independence which the occupier of a home possessed. He did not think this Bill was likely to do a great deal of good. He could not help thinking that local bodies would suspect the central authority of a desire to assume the duties of local administration. The tendency of this debate had been to find fault with the local bodies in the discharge of other duties, and no doubt they were often slow and tardy in their operations; but they would find in such bodies the surest representatives of sanitary principles, who would be opposed to putting the Bill into operation on economical grounds, on which, not only the wealth of the country, but the independence of its citizens must depend.

LORD ROBERT MONTAGU said, that notwithstanding the remarks of the right hon. Gentleman the Member for Halifax (Mr. Stansfeld), he utterly denied that the existence of the Poor Law was any argument in favour of the Socialistic doctrine, that the State was bound to provide anything for the necessities of the poor. The establishment of the Poor Law was in itself but an after attempt to do justice for a great wrong. Formerly one-fifth of the revenues of the landed property of the Kingdom was devoted to

the poor, and it was not until they had been robbed of that, that they got the small pittance accorded to them by the Poor Law. The law of supply and demand did not apply to the present case, inasmuch as the hon. and learned Member for Barnstaple (Mr. Waddy) had shown that in every case where overcrowded portions of cities had been cleared away, the rents of the houses subsequently erected had been raised; and if that were a true argument it was fatal to the Bill. Beyond that the experience of the Peabody Trustees showed that even when persons had large sums of money to spend they could not, in the absence of some legal provision, secure sites on which to erect buildings for the working classes. That pointed to this necessity—that they must somehow or another seek for a site where the ground was not so expensive. Now, under the Bill, powers of compulsory purchase only extended to the area which was found unhealthy and overcrowded; and as the Home Secretary did not contemplate that the families who were dispossessed should go into the adjoining neighbourhood, which then would become overcrowded in like manner, the result would be that large barrack-like houses must rise, tier upon tier, on the site which was cleared. Such lofty buildings, however—as pointed out in the Report of the Poor Law Commissioners on the sanitary condition of the labouring classes in 1842, and in the Report on the Health of Towns in 1846—stopped the free circulation of air in a town. Insufficient air entered into these dwellings, and they also acted as screens to other parts of a town. Thus they were not only unhealthy in themselves, but were the cause of ill-health to others, whilst the sewer which served them had to carry off such an accumulation of excreta, that unless it was very well constructed it would be the means of propagating disease, and when a fever once found its way into such a stack of houses it was most difficult to get rid of it. The necessity for these barracks could only be avoided by empowering local authorities to take sites compulsorily outside a town. There was no such power, however, in the Bill. No doubt a Cabinet composed of landed gentry might find some difficulty in making up their minds to interfere with the rights of landlords; but those rights had already been interfered with by the

railway companies, and certainly there was a stronger case to be made in favour of the health of the people than of the railway companies. If powers of compulsory purchase were extended in this way to the country, rents would be lowered, dwellings would be more healthy, towns would be less crowded, and many of the working-classes would have gardens and the sight of green fields. In London hundreds and thousands of workmen came into town from their homes in the country, and they would do the same in the large provincial towns if they had the opportunity, especially if the same franchise existed outside the municipality as inside it. He hoped that a grievous want in a very good Bill would be supplied by the extension of the compulsory powers in the way he had suggested. Again, the Preamble of the Bill did not correspond with the clauses. The Preamble spoke generally of overcrowding in towns; and the clauses limited the Bill to towns containing over 25,000 inhabitants. Now, he could not see any reason why the Home Secretary had not extended the provisions of the Bill with regard to overcrowding and unhealthiness of dwellings to all towns of 5,000 inhabitants and upwards, for there were quite as many of the smaller towns which required as much attention as the larger. He knew of small towns where the higher classes occupied the best sites for their houses, while the humbler people had to live in the lower parts of the town, in houses so close together and in such unhealthy conditions that they ought properly to be called holes and dens. He suspected that a Committee of the Cabinet had been at work upon the Bill, and he knew from experience what happened then. One Member of the Government took immense pains to get up a subject; and then his measure was referred to men who knew nothing about it. In this case the Preamble had been left in by the Committee, while the operation of the Bill itself had been restricted. He thought this a very serious defect in the measure, for it often happened that overcrowding, filth, and disease were as rife in small as in large towns. The Home Secretary contemplated getting rid of the bad parts of a town under the provisions of this Bill; but he made no regulations to insure that the buildings to be erected on the sites of those destroyed should be

healthy, decent, or comfortable, and, therefore, the new buildings might be worse than the old ones. Neither was there anything in the Bill to insure the new houses being put to a proper use or to prevent overcrowding. A valuable Paper which had been laid before the House showed that rooms in some of the new buildings in Edinburgh and Glasgow were occupied at night by market gardeners who rose at 3 o'clock in the morning, and in the day-time by actors who were up all night—it was a regular case of Box and Cox over again. Could anything be more deteriorating to the air of the rooms than such a practice? and yet there was nothing in the Bill that would prevent it being followed in the new buildings which were to be erected under its provisions. The Medical Officers of Health of Edinburgh had reported that unfortunately the new houses erected in that city had been constructed more with the view to secure a handsome elevation than healthy arrangements, and that the consequence was that dirt and other evils reigned supreme. He hoped that the facts stated in this Report would be a warning to the right hon. Gentleman to take the necessary steps to prevent similar abuses resulting from the operation of this Bill. It was true that considerable power was to be given to the town councils by this measure; but he would remind the right hon. Gentleman that the worst houses in England belonged to town councils, who were the most hard-hearted persons in the world towards the poor. How dare the sanitary officer send in a report adverse to the wishes of his town council? Even if he did, what was there in the Bill to prevent them from disregarding it? He should doubtless be told that the Bill gave any 20 of the ratepayers power to move in the matter; but it was almost impossible to get that number of persons to combine for such a purpose. Even assuming that the town councils were willing to act, it would be very difficult for them to do so, seeing that that enlightened body the Metropolitan Board of Works, notwithstanding their ample powers, had been unable to clear a single spot in the metropolis on which to erect dwellings for the poor. On the whole, however, he thought the measure a good one, and he should be very sorry if, when properly amended, it did not become law. He trusted the

Home Secretary would meet all his objections himself and personally prepare the Amendments, and in conclusion he thanked the right hon. Gentleman for bringing in the Bill.

Mr. ANDERSON said, he simply rose to express a strong hope that the Home Secretary, in his reply, would tell them distinctly what he proposed to do as regarded Scotland. There was a very strong desire indeed that the provisions should be extended to Scotland, and the Lord Provost of Glasgow had come up to London that day, expressly with a view to urge this point on the right hon. Gentleman. It might be thought that because Glasgow had an Act of its own, they did not want anything more. That Act was certainly a very large one, involving an expenditure of something near £2,000,000; but still it must be remembered that it embraced only a small part of the City of Glasgow, and that they wanted something which would enable them to attack other parts of the city which were not reached by that Act. He could assure the right hon. Gentleman that the feeling in favour of the Bill being extended to Scotland was very strong, and he hoped that he, together with the Lord Advocate, would make arrangements for causing its provisions to be applicable to that country.

Mr. KAY-SHUTTLEWORTH congratulated the right hon. Gentleman the Home Secretary on the manner in which his Bill had been received by the House. The criticisms had been entirely directed to its details, and the principal outlines of the Bill seemed to meet with general approval. The right hon. Gentleman might therefore look forward to passing the measure without serious difficulty; but he would be wise if he were ready to assent to its being materially amended in Committee. His right hon. Friend had shown so much earnestness on the subject, not only in this, but in the last Session of Parliament, that he had every confidence that he would be ready to consider Amendments in the spirit in which they were offered; and that it would be his own aim to make the Bill as good and as complete as possible. The first earnest he had given of his interest in the subject was during the progress of the Midland Railway Bill last Session, which would have removed a large number of poor people, without providing for them any new accommodation.

Lord Robert Montagu

By the firm course his right hon. Friend had adopted, he had happily averted that evil; and not only so, but by the new Standing Orders which he had carried in the House of Commons, he had rendered it impossible for railway companies, or any other bodies, obtaining Private Acts of Parliament in future, to disturb large numbers of working people without making suitable provision for them. The right hon. Gentleman the Member for Horsham (Sir Seymour Fitzgerald) seemed to imagine that this Bill was intended to deal with these cases of railway improvements; he seemed to be unaware of the manner in which those cases had been dealt with by the new Standing Orders; so that this Bill had nothing to do with that subject. In his speech in introducing the Bill, the Home Secretary showed some anxiety that local authorities should not be enabled under this measure to make great street improvements, as he said, for their own glorification. Now, he (Mr. Kay-Shuttleworth) did not share this anxiety. In the case of Glasgow, the Corporation obtained powers by their Improvement Act over a very large area; and it was owing to the large scale on which their operations had been effected that the benefits to all classes in the town had been so great. But he spoke with a knowledge of the opinions of those who had been foremost in the work in Glasgow, when he stated that they much regretted that they had not obtained powers over a yet larger area, as the benefits derived seemed to be directly proportionate to the scale on which the improvements were made. He quite concurred with his right hon. Friend that the main object to be kept in view was sanitary improvement; and, therefore, he thought it was wise to propose that the Medical Officer of Health should be the first person to put the measure in operation; but if the sanitary result would be greater, he saw no objection to street improvements and to the "glorification" which the Metropolitan Board of Works or the town councils might thus obtain. The House had listened with pleasure to the earlier part of the speech of the hon. and learned Member for Barnstaple (Mr. Waddy), who had brought forward a number of statements which seemed likely to lead up to a conclusion highly consistent with the laws of political

economy; but suddenly, and as it were in a corner of his speech, he had announced as his conclusion that public money should be given for the charitable purpose of cheapening house rents, and that this plan would not result in the pauperizing of the people. He (Mr. Kay-Shuttleworth) did not think that he need waste words in combating such a doctrine. But the statements in the part of the hon. Member's speech to which he had first referred seemed to be founded on some fallacies. He had expressed an apprehension that by this Bill, his right hon. Friend would benefit one class only, and that the wrong class. That view had been partly answered by his hon. Friend the Member for Liverpool (Mr. Rathbone), who showed that large numbers of the artizan class did live in those miserable dwellings which it was the object of the Bill to remove; and those artizans would be glad to move into the better houses which will be provided in their place. Even amongst thieves and others of the most debased classes of the community—to their great misfortune and injury—considerable numbers of the industrious classes were to be found; and they would undoubtedly be benefited by the operation of this Bill. As his right hon. Friend had said the other night, his object should not be to provide new rookeries. In the place of the rookeries good dwellings should be provided, and the working classes would be ready to pay increased rents for them. What had happened with respect to the worst classes in Glasgow? In that city many of the wynds and closes where the lowest classes dwelt had been demolished. Their former inhabitants had not of course gone to live in the excellent dwellings provided by the corporation in the suburbs, but every class had got a step up. The people who went to the new buildings vacated their former dwellings, and these were inhabited by those who had lived in the demolished wynds and closes. In an admirable paper in *Macmillan's Magazine* last June, Miss Octavia Hill, who had lately visited Glasgow, and had judged the work done under the Improvement Act by the light of her great experience in London, gave the following account of what had happened in Glasgow. She said—

"I found that the new dwellings for the poor, which the demolition of their old quarters had

rendered necessary, had for the most part been built, not on the old sites, but in the suburbs, upon land bought for that purpose by the trustees of the Act, and by them leased to builders who were bound to erect workmen's tenements. These new dwellings were of a type superior to those previously inhabited by artisans in the city, and they have accordingly largely resorted there, leaving their old abodes to be occupied by those displaced from the demolished wynds and courts."

She remarked also—

"Merely to break in upon these nests of thieves cannot but be a great good; some kind of wrong is not decreased by scattering it, but dishonesty thrives most when fostered in such dens. The near presence of honest, respectable neighbours makes habitual thieving impossible; just as dirty people are shamed into cleanliness when scattered among ordinary, decent folk, and brought into the presence of the light."

The hon. Member for Maidstone (Sir Sydney Waterlow) had, as he might say, answered the hon. and learned Member for Barnstaple, before he had advanced his objection that the wrong class would be benefited, by saying that the lowest class were benefited by such legislation and benefited in the only way possible. The greatest gain to be derived from this Act would be found to be in the absolute demolition of the worst parts—the fever spots—of our towns. The provisions for rebuilding were necessary on the same principles as the Standing Orders of last year, to prevent a measure for the advantage of the whole community from injuring the working class by depriving them of habitations. He could not resist from making one more quotation from Miss Octavia Hill's paper, which might stimulate an ambition to follow the noble example of Glasgow. She said—

"As I looked over the official photographs of these wynds, dark, and dirty, and in every way degraded, and the Chairman and Secretary of the Trust, which has had the working of the Act, kept saying, 'This is still standing, but that is gone,' and 'That is taken away, and that and that comes down next month,' I could not help feeling how proud and glad these men must be to have achieved such reforms; and the longing rose strong in me that someone some day in London might be able thus to point to the sites of the old fever dens and say, 'They are gone.'"

There was, he thought, some prejudice in the mind of the hon. Member for Barnstaple against the tall model dwellings erected by various associations in London. His remarks respecting the dangers to health were answered by the diminished death-rate in those buildings, and the comparative absence of

disease. The dangers had been exaggerated by the hon. Member, and the blocks which he (Mr. Kay-Shuttleworth) had seen were not generally built, in the manner described, round a square court, forming a deep central well; but the architects had now devised means for surrounding such buildings on all sides with air-spaces, and with thorough ventilation. Moreover, if lofty buildings should be objected to, it would not be necessary to build to any great height in order to house a larger number properly on a given area than were at present badly accommodated there, and even overcrowded. The most densely inhabited district of which he was aware in London was the Berwick Street sub-district of Westminster, where it was roughly calculated that there were 428 inhabitants to the acre. The Metropolitan Association had shown in their new buildings in Farringdon Road that 1,600 persons could be well accommodated on an acre of land, nearly half of which was devoted to open air-spaces and play-grounds. A report to the Marylebone vestry from their medical officer, in March last, described "a number of old dilapidated tenements," Beaumont's Buildings, near Edgware Road—

"These consist of 20 cottages, placed in four parallel rows: the two inner rows, being attached at their backs, have no thorough ventilation. . . . None of these cottages have rooms above the ground-floor. . . . From the floor to the ceiling is only seven feet; but, inasmuch as the flooring is some six inches below the level of the forecourt, the height of the eaves of the roof from the ground is but little more than six feet. These cottages are all, without exception, damp, some of them exceedingly so. The number of families occupying these cottages is 17, comprising 85 persons. . . . Rheumatism and bronchitis are very prevalent amongst the aged occupants in winter."

Could any hon. Member doubt that a larger number of people could be properly housed on this area in new buildings without their being carried to any excessive height? The hon. Member for Barnstaple had drawn a striking contrast between the rents which the poorer classes were in the habit of paying in London and those which prevailed in the improved dwellings. But there was this fallacy in his argument—that he contrasted rents paid for single rooms with those asked for tenements of two, three, or more rooms. If they were to be content with providing single-room

Mr. Kay-Shuttleworth

tenements in the new buildings, there need be little or no increase in rent. But it was only fair, in comparing rents, to divide the rent by the number of the rooms. A common rent for old one-room tenements in London was 1*s.* 6*d.* a-week, and the following were examples of the rents in improved dwellings:—The Metropolitan Association had 233 tenements, with two rooms in each; the rents varied from 4*s.* to 6*s.* 6*d.* They had 242 with three rooms in each, and rents from 4*s.* 6*d.* to 6*s.* 6*d.* The Marylebone Association had 159 single-room tenements, with rents from 1*s.* 6*d.* to 2*s.* 6*d.*; whilst the rents in the buildings erected by the trustees of Mr. Peabody were, in the case of 111 single rooms, 2*s.* to 3*s.*; in 569 tenements of two rooms, 3*s.* to 4*s.* 6*d.*; in 215 tenements of three rooms, 4*s.* to 5*s.* 6*d.* But the fact was, that many of the people who were paying 1*s.* 6*d.* for a most miserable room were well able to pay more rent; and he was assured, by persons who had large experience, that no difficulty was found in getting increased rents from them as soon as they removed into better houses. He would now offer a few suggestions upon the provisions of the Bill. He concurred with his right hon. Friend the Member for Halifax (Mr. Stansfeld) that the 3rd clause required to be expanded, so as to apply to the unhealthy houses and those unfit for human habitation mentioned in the Preamble. At present, the only streets and houses that could be condemned under the Bill were those whose closeness, narrowness, or bad arrangement was the cause of disease. The words in the Preamble respecting the want of light, air, ventilation, or of proper conveniences should be introduced. Further, they had to guard against the danger that the Bill would be inoperative: hence the importance of getting the Bill set in motion; and although in his opinion it was right to entrust the medical officer of health with the initiative, as he was the fittest judge of the healthiness or unhealthiness of the various parts of his district, yet some alternative machinery should be provided to start the improvement in the event of inaction on the part of the local medical officer, who did not always enjoy all the independence that could be desired. In any place where it might happen that he would not report, and that the 20

ratepayers mentioned in Clause 4 could not be found, the Bill would not work. In London it would be necessary that the Metropolitan Board of Works should appoint a permanent medical officer, who should report in what districts improvement schemes were most needed. A special inquiry, like that contemplated in the Bill, into a particular district would always convey more or less of a reflection on the district officer; but if the Metropolitan Board had a permanent medical officer, then in directing him to visit one district among others, the Board would not do anything invidious to the medical officer or the vestry of that district. To guard against the danger that the inaction of a medical officer might render the Bill inoperative in any town, power should be reserved to the Local Government Board to send down one of their own medical officers in such cases, whose report should be sent to the town council and should have the same consequences as a representation from their local officer. In another point there must have been an oversight. The Bill gave the local authorities the power of taking streets and houses for an improvement scheme; but there was no power to take waste or open spaces, such as those which have been cleared of houses unfit for human habitation, under the Act of the hon. Member for Finsbury (Mr. W. M. Torrens). An illustration of what he meant was furnished by a large space of ground near Russell Square, belonging to the Foundling Hospital, where a number of dwellings had been condemned by the medical officer of the district, and taken down, and then nothing more could be done, partly because there was no sufficient approach to the ground, and partly because the Peabody Trustees, who had been in treaty for it, could not obtain it without compulsory powers. A yet larger defect in the Bill was, that the local authority would only have power to take such property as was condemned for its unhealthiness by the medical officer; the area declared by him in Clause 3 to be unhealthy, was the area throughout the Bill, in the improvement scheme and in the provisional order. There was no power at any stage to enlarge it. Whilst the medical officer should point out the unhealthy spots, power should be left to the local authority to say how much adjoining property was necessary

for each improvement scheme; and there should be compulsory power of taking such property in however good a state it might be. Respecting Clause 5, he would suggest that at that stage the scheme should not too strictly prescribe what exact form an improvement should ultimately take; plans of buildings should not be stereotyped in the Provisional Order. When the local authority came to sell or let the land under Clause 7, the builders—for instance, the Peabody Trustees or the hon. Member for Maidstone's Company—might be able to suggest better plans than any originally contemplated. But before selling or letting, such plans of new buildings should be submitted by the local authority to the Home Office or the Local Government Board, lest buildings of a wrong description—for too high a class, for example—should be erected. According to Clause 5, the new dwellings must be provided within the limits of the area, or in the vicinity thereof. This limitation was quite necessary in regard to London, where much injury would be done to working people if they were driven to a distance. But the same necessity did not exist in smaller towns, indeed, it had not been recognized in Glasgow. The area of the demolition might not be a proper one on which to rebuild dwellings; it might be too low, or too near a river; or it might be in such a position that it would sell to advantage for business purposes, whilst working people might be equally well, and much more cheaply housed, at a distance of a half or a quarter of a mile; and in such a case, there should be power to provide the new dwellings on a site outside the area of demolition. He was happy to inform his right hon. Friend that he heard from Dr. Greenhill, the Secretary of the Hastings Cottage Improvement Society, that the Bill seemed likely to facilitate improvements at Hastings; but he (Mr. Kay-Shuttleworth) thought it very likely that better houses could be less expensively provided there on new sites, than on the valuable areas near the sea, which might be cleared when the old cottages were removed. In conclusion, he hoped that it would be possible greatly to simplify the Bill, for he feared that local authorities would shrink from putting its complicated machinery into operation, lest the expense of acquiring land should prove

more than they could afford to pay, seeing that they could be opposed by land-owners at no less than five stages—once before the local inquiry, then in Parliament, twice before the arbitrator, and then by appeal to a jury. For this appeal to the jury he could see no need. And he wished they could dispense with the opportunity afforded for opposition in Parliamentary Committees; but, at least, the question raised by his hon. Friend the Member for Reading (Mr. Shaw-Lefevre) as to the apportionment of costs, might receive consideration. The statement of his hon. and gallant Friend the Chairman of the Metropolitan Board of Works (Sir James Hogg), that his Board would work the new Act of Parliament in a loyal spirit was most encouraging, and his suggestion that a permanent arbitrator should be appointed for the Metropolis was well worthy of attention. He (Mr. Kay-Shuttleworth) should think it his duty to give Notice of certain Amendments for Committee; and if the Bill were simplified and made more elastic, he confidently hoped that it would produce great and permanent good.

MR. DALRYMPLE said, he should never wish to multiply the occasions upon which it was necessary that Scotch Members should as such address the House; but if, by possibility, it could be of service that any one representing a Scotch constituency on that side of the House should join in the appeal to the Home Secretary to extend that Bill to Scotland, he, at all events, desired to secure that Scotland should have the benefit of the provisions of the Bill. The hon. Members for Glasgow (Mr. Anderson) and Greenock (Mr. Grieve), speaking from the other side, had spoken for populations of enormous importance, and his hon. Friend the Member for Glasgow (Mr. Whitelaw), on that side of the House, who perhaps more than any other man in that House was entitled to speak on behalf of large centres of labour and of the city with which he was connected, in seconding the Address in answer to the Speech from the Throne, referred to the subject, and he (Mr. Whitelaw) might very well join in the appeal now made. He could assure the Home Secretary that, so far as hon. Members on that side of the House were concerned, they would be very glad to

Mr. Kay-Shuttleworth

help him in adapting the clauses to the cities and case of Scotland. In one town, at least, of Scotland there was a higher death-rate than almost anywhere in the United Kingdom; and it would be a grievous misfortune if the present opportunity was lost of doing something in regard to that important subject of the dwellings of the poor. Let Scotland profit by the measure. It was matter of regret that on many occasions there should be separate legislation for the two countries. He particularly disliked the notion, and as far as possible it ought to be avoided. Sometimes it was unavoidable; but nothing could be more obvious to any one who had had the honour of a seat in that House for a few years than that it abhorred Scotch legislation. It was therefore most important that separate legislation should be avoided on all practical occasions. He knew perfectly well what would happen on another occasion, if that Bill passed without its provisions being extended to Scotland. The subject would not be considered with that careful attention which it was likely to receive at present. He agreed with his hon. Friend who had just sat down (Mr. Kay-Shuttleworth), who, replying to the somewhat wild statements made earlier in the evening by the hon. Member for Barnstaple, had said that there was no fear that artizans would not be able to pay rent for better houses. The desire of Parliament was, that the dwellings of the wage-earning classes should be improved, and there was nothing truer than to say that much might be done to induce them to live in better houses. He could not agree with his hon. Friend in his disapproval of the title of the Bill, for he liked the title of it, inasmuch as it was short and simple, and, as a matter of fact, it described the principle of the measure, for what the House intended was to deal with artizans' dwellings, and not with the dwellings of paupers. He believed that the Bill, if carried, would educate these people to live in better dwellings, and to set apart more of their wages towards the payment of rent. He also agreed in the recommendation that the Bill should be applied to towns with a less population than 25,000. He would, in conclusion, again express the hope that the measure might be made to apply to Scotland, and he believed that this could be done without much difficulty.

MR. LYON PLAYFAIR : After the admirable speech made by the Home Secretary, on the introduction of this Bill, it is unnecessary for any of us to enforce the urgency of the object which it proposes to attain. But that very circumstance deprives him of justification for its restricted character. If the Bill be urgent in the interests of the urban populations in England, it can easily be shown that its urgency is greater for the urban populations in Scotland; for it is a fact that the sanitary measures in England during the last 20 years have sufficed to prevent any augmentation in the death-rates over the whole country, while in Scotland the causes of deterioration have been greater than the means of improvement. In Scotland, the urban death-rates in the chief towns were 26·9 from 1855 to 1859, but they were 28·2 from 1861 to 1870. In the large towns they were 23·9 in the first period, and 24·6 in the second. Hence, it is not justifiable to deprive that section of the kingdom, which is in a deteriorating condition, of those powers of improvement that are to be bestowed upon another section requiring them in a less degree. If the Bill be urgent for England, it is surely more urgent for Scotland. The Home Secretary cannot reply that the Scotch towns possess local Acts which render it unnecessary. Glasgow, Edinburgh, and Dundee truly have local Acts, but Aberdeen, Paisley, Greenock, and other insalubrious towns do not possess them, and would, no doubt, be glad to have improving powers. Besides, in such towns as Glasgow, which have effected large improvements, there still are districts quite as bad as those which have been rooted out, but they are not scheduled in their local Acts. The towns would continue to act on general powers, especially if they could obtain money from the Loan Commissioners at 3½ per cent under this Bill. I trust, then, that the Home Secretary will consult the Lord Advocate how the Bill may be extended to Scotland. The Irish Members will express their own views in regard to Ireland; but as it is obviously a doubtful principle of policy to deal with large subjects of Imperial interest connected with the health of the people in a fragmentary way, I hope they will join with us in trying to get this measure extended to the whole of the United Kingdom. I now turn to the provisions

of the Bill. Its first principle is a sound one—that it should only be brought into operation as a measure of public health, and not as a means of ordinary civic improvement. It is a machine which can only be set in motion to improve the health of urban populations. But what is the power which is to set the machine into activity? That we find in the 4th clause of the Bill. The Reports of the medical officers form the motive power. In all Bills which now come before the House, it is possible to see survivals of other editions of the Bill as they passed through the Cabinet. The 4th clause gives to the general reports of the medical officer nearly as wide an action as the Preamble of the Bill, for it allows him to pronounce an area as generally unhealthy; but when he begins to put the machine into motion by the 3rd clause, it becomes singularly restricted in its action, and the “want of air, light, ventilation, and proper conveniences” of the Preamble have become restricted to “the closeness, narrowness, and bad arrangement of houses.” That is a matter which we may deal with in Committee. It is essential now to inquire whether the primary medical motive power of the Bill is likely to be effective? As representing a large medical constituency, I ask permission to say a few words on this head. Medical men are animated by a strong sense of professional feeling, and will, no doubt, be anxious to co-operate with the authorities in the promotion of sanitary reforms. But suppose that there is no co-operation or desire of the authorities to put the Bill into operation—that is not only conceivable, but highly probable. Take such a case as we have recently seen in Over Darwen. There the ratepayers purposely returned a local board pledged to inaction. Under such circumstances, the medical officer would be absolutely powerless. He is the servant of the local authority, and he would know that his representations would be unwelcome and fruitless. What has forced Over Darwen into action? Partly its scourge of fever, but much more the publicity which was given to its scandalous neglect of sanitary arrangements. Unless you give to the reports of the local medical officer some support by publicity and further inquiry, where the local authority is supine, the Bill will go to sleep in a large proportion of the pro-

vincial towns. I do not suggest that either the Home Secretary or the President of the Local Government Board should force the authorities into action; but I think they should inquire into cases of negligence, and bring public opinion to bear upon it. With this view, it would be well that when no action takes place after the report of the medical officer has been made, a copy of his report should be sent to the confirming authority. Then, in a case of urgency, special medical inquiries might be made in the metropolis by the medical inspectors provided under Clauses 6 and 9, or in the provinces by the medical inspectors under the Local Government Board. If the medical officers knew that their representations were brought under the attention of the central sanitary authority, and that in case of urgency they might receive support through an independent inquiry, I believe that their professional zeal and their proved desire to labour for the health of the community, in spite of much discouragement from the indifference or hostility of local authorities, will ultimately suffice to ameliorate the wretched dwellings in their districts. I think the Home Secretary is wise in not attempting to force his measure in advance of public opinion in a locality; but unless he is content to see it go to sleep in most of the large towns which should come under its operation, he must by some such means as I have indicated, help the medical officer to awaken public opinion in his locality. The evils which we are now trying to remedy are not new, nor are they now brought to light for the first time. Queen Elizabeth did her best, when the density of the population was only one-fifth of what it is now, to legislate for them, and in a fashion more arbitrary than the Home Secretary does now, for, as she said, she did not like to see “poor people heaped together, and in a sort smothered.” The present Bill teaches us nothing new, but it enables public opinion, when it is formed, to act under its provisions. We know, however, that public opinion forms slowly when rates are demanded for an object which is somewhat remote, and the ultimate advantages of which to the ratepayers, are only apparent to an enlightened intelligence. A medical officer could only get over the *vis inertia* of this new machine by the central me-

Mr. Lyon Playfair

dical authorities giving him the support of independent inquiries when his own representations prove unavailing. Such confirmations of well-considered sanitary inquiries would throw a heavy responsibility on the local authorities, and would create a public opinion which would enforce action. I propose to place an Amendment on the Paper in the sense which I have indicated. The hon. and learned Member for Barnstaple (Mr. Waddy) has indulged in sentiments which are very nearly Communistic, for he asks us to extend money help to the poor people who are dispossessed from the rookeries. He talks of them as most virtuous inhabitants, who ought to be aided from Imperial funds. Generally, they are not working men at all, but are thieves, prostitutes, and out-door paupers. It would be a strange distribution of public money to aid these classes. Their dispersion is one of the greatest advantages of such a measure. A muddy stream in a great volume is dangerous—when it is dispersed into trickling rivulets it ceases to be so; and so the rooting out of these rookeries has been the cause of much moral improvement. A good deal has already been said as to the non-heroic provisions of the Bill. It is not a strong measure; but I agree with the Home Secretary that it is judicious not to attempt too much interference with localities in the discharge of a duty which local government ought to be able to perform. I should like to make one protest against the confusion which we are asked to introduce into sanitary legislation. In this Bill there are two confirming authorities—the Home Office and the Local Government Board—two Ministers of the Crown, both discharging the same functions of confirmation of inquiry, one for the metropolis, the other for the provinces. There is already a staff of highly-trained medical Inspectors under the Local Government Board. Is another staff to be created in the Home Office? This piecemeal and disjointed legislation in matters relating to public health, following as it does the efforts of the late Government to bring its administration under one office, and preceding, as it does, by only a few days, a Bill for consolidating the sanitary Acts, perplexes the promoters of sanitary reforms, and weakens the agencies of administration. Of course, I know that

the difficulties of a uniform legislation arise from the divided state of local government in London, but that is only an argument for putting an end to this state of perplexity. I have only to say that, before concluding, I desire to strengthen the argument of the Home Secretary on a point to which he only made a slight allusion; for though at that stage of the Bill he received general support, when he came to the property clauses and the power of rating, it was by no means certain that they would be accepted without opposition. The point to which I allude is the great burden produced upon a community by cases of preventable sickness, as well as those of preventable deaths, for each of these deaths represents 30 cases of preventable sickness, lasting, on an average, 18 days. For deaths merely represent the wrecks that strew the shore, but do not show the suffering produced upon the survivors by the storms of sickness to which they are exposed. Take the case of Liverpool, upon which I reported to the House of Commons nearly 30 years ago, and which, notwithstanding much noble local effort, remains in a terrible condition of unhealthiness up to the present moment. If Liverpool were only as healthy as London, it would be annually spared 207,000 cases of sickness among its survivors. If these lose only 2s. a-day during their duration, the people of Liverpool suffer from their preventable and wholly unnecessary sickness an annual loss of £370,000. I put it in this way to show that for the living inhabitants who form the rate-payers, and upon whom the cost of improvement falls, the burden upon them of action is as nothing compared with the burden of inaction, because money spent in sanitary improvement is not merely invested for posterity, but is productive taxation even to themselves, for it is capital bearing abundant interest. The Home Secretary, in his opening speech, acted wisely in drawing a picture of the condition of the dwellings of the poorer class in our large towns, even though he had to enlarge on the most elementary principle of hygiene, that the condition of the houses determines the condition of the people. That principle has recently received important illustration by large experiences. One of these is very marked, in the case of our Army, which since the Crimean War

has lessened its mortality by one-half, chiefly owing to the improvements in the drainage and ventilation of barracks. Another important experience lately acquired is, that improvements in dwellings do not merely lessen the epidemics in a population, but also that they act largely in diminishing the scourge of this country—consumption, which in various towns, after improvements of this kind, has fallen more than 40 per cent. There is, then, ample encouragement for the House to support this Bill, and to try to render it as effective as is consistent with its modest and moderate pretensions.

MR. ASSHETON CROSS said, he had no cause to complain of the manner in which the Bill had been received by the House. The very fact that they had been now sitting for so many hours discussing what, after all, were in a great measure matters of detail, amounted to the concession that the principle of the Bill had been accepted on both sides. He would say nothing at present about the question which had been dealt with earlier in the evening—namely, the philanthropic view of the case. He was quite sure that view did not meet with acceptance in the House, either on a former night or then. The object of the Bill had been very fairly described by the hon. Member for Hastings (Mr. Kay-Shuttleworth) who had paid so much attention to the subject—it was the demolition of the great fever and plague spots in London and the large towns. All the rest followed as a matter of course. Some remarks had been made by his right hon. Friend behind him (Sir Seymour Fitzgerald) as to the way in which the houses were to be built. But his right hon. Friend could hardly have been in the House last Session, when a Standing Order was passed, requiring that suitable provision should be made for those of the working classes who might be displaced by these improvements. The Bill would enable the local authorities to get rid of those pestilential spots; and when that was done, it would carry out the provisions of the measure of last year. He was not going into all the details which had been discussed. There was no intention on the part of the Government to fix the Committee for an early day; but he must ask hon. Members who wished to place Amendments on the Paper to think well

over them beforehand, because it seemed to him that if the clauses of the Bill had been carefully read, many of the remarks which had been heard in the course of the discussion would never have been made. Many of the objections which had been raised would be found, on reference to the words of the measure, to have been already met. Of course there were others which might require discussion. The burden of a great deal that had been said was, first—"You do not go far enough," and next—"You go much too far." He hoped hon. Members would bear in mind the object of the Bill as it was expressed in the title—namely, to improve the dwellings of the working classes in large towns. He did not say that in towns other than those to which the Bill referred there was not an equal call for a remedy of some kind or other, but he did say—and the difference of opinion which had been manifested in regard even to a large town like Liverpool confirmed the conviction—that the same remedy could not be applied to large towns as to small. The machinery required in the two cases would be altogether different. Therefore, he would say, do not hastily put down Amendments—although no doubt with the very best intentions—to extend the provisions of the Bill to places to which they were not at all applicable. A good deal had been said as to the manner in which it was proposed the machinery of the Bill should be set in motion. He had never put forward this measure as one the object of which was civic improvement. What he had had in view was the improvement of health, and starting with that principle, he had thought it right to introduce at the outset the medical officers. When he first came to consider the question, many of the observations which had been made in the course of the discussion were pressed forcibly upon his attention, and it did occur to him that there might, at all events, be a great inducement to the medical officers in many parts of the country to avoid taking the initiative, if they possibly could consistently with their duty. But he had had placed in his hands the printed reports of the medical officers of every district in London, and of almost all the large towns in the country, and he was bound to say that they had not shrunk from their duty. In all those reports they stated facts which he was quite sure

Mr. Lyon Playfair

they would abide by, and which would justify the application of the present measure. Indeed, he did not think their professional standing would ever allow them to act otherwise than they had done. In connection with the subject of local taxation there was a great principle to be maintained. He was well aware that a large portion of the House would willingly entrust to Government much larger powers than he had asked for. But he thought it would be a great mistake. So far as was possible they must depend upon local action. But he quite agreed with the right hon. Member who had just sat down (Mr. Lyon Playfair), as to the desirability of stimulating local action by means of public opinion. If the medical officer made a report, and the local authority took no action upon it, he thought it ought to be forwarded to the Secretary of State, not with the object of having the measure put in force against the wish of the local authority, or of interfering in any way with the local jurisdiction, but simply for the purpose of bringing public opinion to bear strongly upon the matter. But he was inclined to believe that the town councils would be as little disposed as the medical officers to refuse to do their duty. Why should it be thought that the town councils of the large towns of England would refuse to do that which had been readily done by their neighbours in Scotland? Why should it be supposed that those local bodies would not in England act in the same patriotic way as Glasgow and Edinburgh? But if it should happen that any town council was governed in its action by the views of a narrow-minded class of ratepayers, it would be quite right that the public opinion of the country should be directed to that particular town council, in order that it might be forced to take action, not by means of any interference on the part of the central authority, but simply by the expression of public feeling. A great many remarks had been made on matters of detail connected with the provisions of the Bill. It had been said that the 3rd clause did not carry out to the full the intentions expressed in the Preamble. All he could say was, that it had been intended to do so, and that if it did not, he would take care that it did. With regard to the area to be dealt with in any particular case, it had been said that the Bill left it to be

fixed by the medical officer, who, it had been remarked, although the proper person to point out that a district was unhealthy, was not the best authority to decide how many houses should be removed. It had never been meant that that should be decided by him. The local authority, no doubt, was the body which ought to say what the particular area was for which the improvement scheme should be drawn up, for it might often be desirable to interfere with property outside the unhealthy district in order, for example, to open up a street. The hon. Member for Hastings would, no doubt, pardon him if he said that, although he had very great respect for everything that fell from him on the subject of dwelling-houses for the working classes, yet, when they came to questions as to the law clauses of the Bill, he felt bound to pay more attention to the opinions of other hon. Members who probably had a greater acquaintance with the matter. In regard to the Schedule on which the hon. Member for Hastings had made a few observations, he wished to say that it had been taken almost verbatim from what was known as the Irish Land Clauses Act. He had had special inquiries made in Ireland as to the working of that Act, and he had received the strongest expressions of opinion, to the effect that it had worked to the satisfaction of all who had come under its operation. As to the main provisions of the Bill, he did not think any fault had been found that night, except by the noble Lord the Member for Westmeath (Lord Robert Montagu), who had said that he entirely approved the Bill, with the exception that in its 20 clauses he found five mistakes, and so saying had dismissed him with his blessing. There was much force in what the hon. Member for Reading (Mr. Shaw-Lefevre) had said, as to the desirability of reducing the expenditure connected with proceedings in that House in carrying out the objects of the Bill. The House could not allow the property of persons to be taken from them against their will without Parliamentary sanction, and, no doubt, the ordinary course of procedure would have to be followed, in so far as it was necessary to respect that principle. At the same time, he could agree with the hon. Member for Reading, in thinking that special precautions might be taken to prevent vexatious proceed-

ings before Parliamentary Committees. If there was not already power given in the Bill to the local authorities to extend the area proposed by the medical officer, he was quite prepared in that respect also to agree to an Amendment. There was another matter to which he wished to refer. Perhaps the greatest tribute which had been paid to the measure in the course of the discussion was, that an earnest wish had been expressed for its extension to Scotland. He had purposely left out Scotland, because he had thought the cities of Glasgow and Edinburgh had enough to do with their own Improvement Bills to keep them going for some time. But he had had the pleasure of seeing the Lord Provost of Glasgow that day, and by him, as well as by many Scotch Members on both sides of the House, he had been strongly pressed to extend the Bill to Scotland. The only pledge he could give was, that he would consult the Lord Advocate upon the matter, and if he found it practicable to extend the Bill to Scotland, he would not have the slightest objection to that course. With these observations, he had to thank the House again for the manner in which the measure had been received. While he remained in the office which he had now the honour to hold, nothing would give him greater pleasure than to attend to the administration of the measure so far as London was concerned, and to see that it was put in force in the best possible way. But he must again implore the House not to seek, with however good an intention, to extend it to places and to classes of property to which it had not been intended to apply. He hoped the House would pass the Bill as it stood, and thus extend an invaluable boon to masses of people in the large towns throughout the country, who had hitherto undergone so much suffering and misery and degradation in consequence of the wretched character of their dwellings, and who had been condemned to see their children die like flies before them.

Motion agreed to.

Bill read a second time, and *committed for Thursday, 4th March.*

TICHBORNE TRIAL.

MOTION FOR AN ADDRESS.

MR. WHALLEY, in moving for an—

Mr. Assheton Cross

“Address for Return of Thirty Petitions signed by 13,666 persons, presented to Her Majesty the Queen in relation to the late Tichborne Trial, and especially a Petition from the inhabitants of Wapping signed by 6,333 persons, and from the Tichborne neighbourhood signed by 853 persons, all which Petitions were forwarded by command of Her Majesty to the Secretary of State for the Home Department for advice thereon; and, Copy of the Correspondence in relation thereto,”

said, the reply to the Motion which had been already conveyed to him was, that it was not according to precedent, and he therefore asked the special attention of the House to what the Motion was, so that, even if it should be the first of the kind, it was high time that a precedent should be established. It was for a Return to that House of certain Petitions which, having been presented to Her Majesty, praying for the exercise of her Prerogative of mercy, had been by Her Majesty referred to the Secretary of State for the Home Department for his advice thereupon. Now, if the Secretary of State was prepared to state, as a matter of principle, that he was not amenable to the House for advice given to Her Majesty, it was well that they should consider such a principle. The ordinary duty of every Minister of State was to give such explanation to that House, and the very term responsible Government, of which, by the Constitution, they were supposed to be the type, could have no meaning, unless the Ministers were then prepared to answer for the advice given by them, in their several Departments, to the Crown; and he would not urge this argument further until the right hon. Gentleman should have declared in his place that he would not afford the House the opportunity of knowing what these Petitions were, and how they had been dealt with. The case was, however, sufficient in itself to justify a proceeding in favour of publicity. It was the Tichborne Case as to which that House was specially responsible to the public, as having sanctioned an unprecedented outlay of public money for the prosecution. Last Session Petitions, signed by above 50,000 persons, were presented, asking for further inquiry, as well as to the trial itself as in respect of certain extraordinary powers assumed by the Court of Queen's Bench to fine and imprison for contempt of Court; and the reason for these Petitioners having addressed Her Majesty

in person, was some difficulty in expressing their sentiments in accordance with the Rules of the House, or the view taken thereof by the right hon. Gentleman in the Chair. The fact was, the Petitions in question raised the House to such a degree of irritation by speaking of the "unfair trial," and using other expressions which implied a want of faith in the justice of the trial, that at length the Speaker refused to receive those containing such remarks. The proceedings which took place in the House excited an additional sensation in the country, and the inhabitants of Wapping, which was one of the "scenes" in the extraordinary case, eventually determined upon addressing Her Majesty on the subject, which was an unusual course, perhaps. This Petition he had referred to in his Motion. He did not wish to go into any disputable question of that kind; but it might not perhaps be known to the House that these Petitioners and others were by no means content, and that during the Recess, meetings had been held in very many large towns and populous districts, at which very strong language had been used, and he might say unanimously adopted, in their demand for further inquiry into this trial, and its manifold incidents. In fact, the feeling was widely spread, and was constantly increasing, that the conspiracy for which the victim was now lingering to death in Dartmoor, after his being deprived of his estates by a special Act of Parliament, was one that imperatively demanded exposure and punishment, and that it concerned the confidence of the public in the fair administration of justice that further investigation should take place. He had himself taken no part in these public meetings, and was therefore the more free to speak of them as entitled to the attention of that House, as expressed in the Petition to that House, and referred to Her Majesty the Queen, and he therefore appealed to the right hon. Gentleman not hastily to refuse to afford the House in this form all reasonable information as to the nature and extent of the public feeling on the subject. He would only add, in conclusion, that he never could speak on this subject without avowing distinctly and positively that he was as convinced as he was of his own existence, that the man now a convict in Dartmoor under the name of

Castro was truly Sir Roger Tichborne. He should not be doing himself justice if he did not now state, as he had done before, that he had just as much certainty in the innocence of the man. [*Laughter.*] He regretted to hear anyone laugh at an honest expression of a well-founded opinion. The object of the Petitions was to express want of faith in the fairness of the trial, and a belief that further investigation, at all events, was necessary in order to restore the confidence of the public in the administration of justice in the country. That was the subject of the Petitions, and it was one well worthy of discussion in the House; and it was on that ground that he ventured to hope that the right hon. Gentleman might be induced to withdraw his objection to the Return, or that he might be able to give some explanation of a more satisfactory nature than he (Mr. Whalley) had yet received. He trusted some hon. Member, even if he differed from him on every point touching the subject, would second the Motion, so that the right hon. Gentleman might have an opportunity of replying.

The Motion not being seconded, was not put.

SUPERANNUATION ACT, 1859 [SPECIAL RATES OF PENSION] BILL.

Resolution [Feb. 12] reported;

"That it is expedient to grant special rates of Pension to persons who have served in an established capacity in the permanent Civil Service of the State, where such persons have served in an unhealthy place."

Resolution agreed to:—Bill ordered to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 64.]

EAST INDIA HOME GOVERNMENT [PENSIONS].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of the Revenues of India, of Pensions and Superannuation Allowances in certain cases to persons employed in the Home Government of India.

Resolution to be reported upon *Monday* next.

LAND DRAINAGE PROVISIONAL ORDER BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to confirm a Provisional Order under "The Land Drainage Act, 1861," relating to Lay Improvement situated in the parishes of Westbury on Severn, Churcham, and Minsterworth,

in the county of Gloucester, ordered to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 66.]

COUNTY SURVEYORS SUPERANNUATION
(IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to enable Grand Juries in Ireland to grant Superannuation Allowances to County Surveyors in certain cases, ordered to be brought in by Sir COLMAN O'LOGHLEN, Mr. WILLIAM JOHNSTON, and Mr. MACARTNEY.

Bill presented, and read the first time. [Bill 65.]

LOCAL GOVERNMENT BOARD'S PROVISIONAL
ORDERS CONFIRMATION BILL.

On Motion of Mr. CLARE READ, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Astley Abbots, the borough of Barnstaple, the district of Bicester Market End, the Special Drainage district of Child's Hill, the districts of Chiswick and Lepton, the boroughs of Saint Alban and Sheffield, and the district of Slaithwaite, ordered to be brought in by Mr. CLARE READ and Mr. SCLATER-BOOTH.

Bill presented, and read the first time. [Bill 67.]

LICENSING COURTS APPEAL (SCOTLAND)
BILL.

On Motion of Mr. ANDERSON, Bill to provide a more efficient Appeal for Licensing Courts in Scotland, ordered to be brought in by Mr. ANDERSON, Mr. M'LAGAN, and Mr. COWAN.

Bill presented, and read the first time. [Bill 68.]

House adjourned at a quarter before
Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 16th February, 1875.

CHIMNEY SWEEPERS ACTS—CASE
OF GEORGE BREWSTER.—QUESTION.

THE EARL OF SHAFTESBURY said, he wished to call the attention of Her Majesty's Government to an inquest held at Cambridge on the body of George Brewster, a boy between 14 and 15 years of age, who lost his life in a flue up which he had been sent by a master-sweep for the purpose of sweeping it. [The noble Earl read the report of the inquest on the deceased from *The Pall Mall Gazette*, in which the facts were narrated, with the result that the coroner's jury returned a verdict of manslaughter against the master.] It was high time that an end should be put to such practices. The year before last there was an atrocious murder—for it was nothing

else—of a child aged 10 years, who had been sent up a chimney at Gateshead—and they did not know how many other poor children might not have been sacrificed in the same way even since that time. In the metropolis, with its population of nearly 4,000,000, there was no such thing as a climbing boy employed in the sweeping of chimnies, and, on recent inquiry in the great city of Glasgow, which contained upwards of 500,000 inhabitants, he was informed by the Chief Constable that there, too, such a mode of chimney-sweeping was now unknown. Why, then, should it be resorted to in smaller places? It was perfectly scandalous and abominable that any case such as the one at Cambridge should occur in this country. From the evidence at the inquest it would appear that the deceased boy was suffocated. Having been only a few minutes up the flue, he was taken out in a dying condition; and, notwithstanding that every effort seemed to have been made to restore him, he died within an hour from suffocation, caused by the presence of soot in the lungs and wind-pipe. He desired to know whether Her Majesty's Government could give any further information with respect to the case, and whether they would institute an inquiry? He believed the existing law was sufficiently strong; but it could not be denied that, in a great many instances, when cases were brought before magistrates, the latter would not convict. If this were so, the action of the Government might be necessary.

EARL BEAUCHAMP was afraid he could not add anything to the information which the noble Earl already possessed in regard to the case to which he had so properly called attention. With the noble Earl, he believed the law to be sufficiently strong for the entire suppression of chimney-sweeping by means of climbing boys—there were already two Acts passed in the reign of Her Majesty for putting an end to the practice—and if the law was not sufficiently stringent for that purpose, undoubtedly it ought to be made so. He did not, however, gather from the facts stated by the noble Earl that any special inquiry was called for in this case. The law did not appear to have been in any way evaded: at the inquest a verdict of "Manslaughter" was returned, and therefore there had been no failure of justice so far, and

there did not appear to be any reason for apprehending that there would be. He would ask for further information, but he did not know that any special investigation would be necessary. The matter was already under the cognizance of the magistrates, and he did not think that the interests of justice would suffer at their hands. At the same time, he thought their Lordships would agree with him that the noble Earl had done well to call attention to the matter, as no doubt his having done so would be attended with beneficial results.

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 16th February, 1875.

MINUTES.] — PUBLIC BILLS—*Ordered*—*First Reading*—Monastic and Conventual Institutions [69].

Second Reading—Public Worship Facilities [22]; Parliamentary Elections Returning Officers [32]; Common Law Procedure Act (1852) Amendment [33].

NAVY—RELIGIOUS CEREMONY AT LAUNCHES.—QUESTION.

MR. EDWARD REED asked the First Lord of the Admiralty, Whether it is true that the Board of Admiralty have ordered the observance of a religious ceremony, comprising the reading of a prayer, at the launches of Her Majesty's ships; and, if so, whether, in those cases in which the launches take place in tidal rivers and harbours with strong currents, the dockyard officers and private contractors have been, or are to be, relieved from all responsibility for any accidents or disasters that may arise from the suspension during the ceremony of the important and often critical mechanical operations involved in the launching of heavy ships?

MR. HUNT: In reply to the hon. Gentleman, I have to say that a service recommended by the Archbishop of Canterbury has been ordered by the Admiralty to be used at the launching of Her Majesty's Ships. Before the issuing of such order this country was, if I am rightly informed, the only one in Europe in which no religious ceremony was used on such occasions. I believe that the in-

troduction of this service will commend itself to the feelings of the people of this country. The reading of the service, which is a very short one, will be so timed as in no way to interfere with the launching of the ships.

MR. EDWARD REED said, the right hon. Gentleman had not answered his Question, as to whether the officers and contractors who thought differently would be relieved from responsibility?

MR. HUNT: I thought that was implied in my Answer that the service would be so timed as not to interfere with the launching of the ships. The consequence is, that the liabilities and responsibilities of those persons will not be increased.

THE ARCTIC EXPEDITION.

QUESTION.

MR. EDWARD REED asked the First Lord of the Admiralty, Whether in view of the small value for scientific purposes of isolated observations in the Arctic Regions in comparison with simultaneous observations at different places, and in view also of the interest now taken in Arctic science by foreign Governments, he will postpone for one season the departure of the proposed British Arctic Expedition, and in the interval communicate with Foreign Governments, with a view to the organisation of other expeditions to make scientific observations simultaneously with our own at fixed times?

MR. HUNT: I am not prepared to take the course suggested by the hon. Gentleman. The preparations for the Expedition are now far advanced, and I should regard his project of combination with other Powers to attain the objects in view as one beset with difficulties.

CRIMINAL LAW—CASE OF CHRISTINA VIVIAN.—QUESTION.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether it be the fact that Christina Vivian, aged 18, pleaded guilty at the Middlesex Sessions on the 10th instant to stealing two gold watches value £30 from the shop of a jeweller, and if he would explain to the House the special circumstances under which she was discharged by the Assistant Judge without sentence, on her own recognizance and that of a

gentleman who did not wish his name to be disclosed?

MR. ASSHETON CROSS, in reply, said, he believed it was a fact that Christina Vivian, aged 18, pleaded guilty at the Middlesex Sessions on the 10th instant to stealing two gold watches, value £30, from the shop of a jeweller. He could not answer the other part of the Question otherwise than by reading to the House an extract from a rather long letter which he had received from the presiding magistrate, and which he would be happy to show to the hon. Member if he wished to see the whole of it. The prisoner, the magistrate wrote, pleaded guilty. It was her first offence, and she was most strongly recommended to mercy by the prosecutor, whose counsel was instructed earnestly to pray the Court to forbear from passing sentence, and thus afford her an opportunity of retrieving her character. The counsel for the prosecution having assured the Court that he had ascertained that the person proposed as surety, and who was then in attendance to enter into the required recognizance, was a person of unquestionable responsibility and respectability, it did not appear to the magistrate to be in accordance with practice to examine him in open Court in such a preliminary proceeding.

THE FACTORY ACT, 1874—BLEACH WORKS AND DYE WORKS.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If it is the intention of the Government to bring in a Bill this Session to extend the provisions of the Factory Act of last Session to the persons employed in the bleach works and dye works of the United Kingdom; or if it be the intention of the Government to appoint a Royal Commission or Commission to inquire into the condition of women and young persons employed in such works, with a view to legislation?

MR. ASSHETON CROSS: It is at the present moment under the consideration of Her Majesty's Government in what way they will best make an inquiry with respect to children and young persons employed in factories and workshops other than textile manufactories, as far as regards health and education; but at present I am not able to state

Mr. Hopwood

exactly what form that inquiry will take.

PRIVILEGE—THE RECENT DEBATE—PERSONAL EXPLANATION.

OBSERVATIONS.

SIR JOHN ASTLEY: Mr. Speaker—I beg leave to make a few remarks in reference to the way in which the hon. Member for Louth (Mr. Sullivan) spoke of me yesterday. I do not wish to go into the question of good taste on his part—as to whether, after I had withdrawn the remarks that I had made at an agricultural show, and which I admit were pretty strong—I do not care to go into the question of whether it was good taste on the hon. Member's part to bring the matter up again. But I do feel that some of those remarks which he made may go forth to people who do not happen to know me perfectly, or that I have been in the Army and am a soldier; and they may think that I was frightened by an Irishman. I beg to say that I never have been frightened by any individual yet, and I certainly was not influenced by any such feeling in this matter. I have got the letters with me, and with the permission of the House I will read them, to show that what the hon. Member for Louth said was not quite correct. In the month of September, shortly after the agricultural show was held at which I made the remarks complained of, I received the following letter:—

“Cork Club, Sept. 11.

“Sir,—I beg to call your attention to a report which has appeared in the London papers, of a speech delivered by you at an agricultural show in North Lincolnshire. Will you have the goodness to say if the offensive expressions attributed to you were uttered on the occasion in question. If so, I must, in the name of Chevalier O'Clery, M.P. for Wexford, ask you to withdraw them.

“Your obedient servant,

“C. EDGORTH LYNCH.

“I send you the copy of the report, with the expressions referred to underlined.”

I had not anybody to consult as to what notice I should take of that letter, but there and then, on the spur of the moment, I wrote as follows:—

“Elsham Hall, Sept. 14, 1874.

“Sir,—I beg to acknowledge the receipt of your letter of the 11th, and to state that I did make use of the expressions to which you refer; and, at the request of your friend the gallant Member for Wexford, I hereby withdraw them, and am, Sir,

“Your obedient servant,

“J. D. ASTLEY.”

That, Sir, is the whole correspondence on the subject. I felt that I was wrong, and I admitted it; and I certainly wish to impress upon hon. Gentlemen that it was done under no sort of threat, but spontaneously. My language on that occasion was not very classical; but I think sometimes classics are not much used, especially by hon. Gentlemen opposite, of the Irish division.

MONASTIC AND CONVENTUAL INSTITUTIONS BILL.

LEAVE. FIRST READING.

MR. NEWDEGATE, in rising to move for leave to bring in a Bill for appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith, said, that the Bill was the same Bill he had introduced in the last Session, but for the second reading of which he had failed to obtain an opportunity, owing to the crowded state of the Order Book. Since, therefore, the Bill had been in the hands of hon. Members for the greater part of the last Session, it was unnecessary that he should then enter into a detail of its provisions. He rested the measure chiefly on this circumstance—that, with the exception of the United States, this was the only principal country in the world in which there were no practical legal regulations with respect to those institutions. He felt it would be unreasonable, as the documents and translations descriptive of the laws of foreign States with respect to these institutions would soon be in the hands of hon. Members, that he should on the present occasion detain the House further than by moving for leave to introduce his Bill.

Motion agreed to.

Bill for appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith, *ordered to be brought in* by Mr. NEWDEGATE, Sir THOMAS CHAMBERS, and Mr. HOLT.

Bill *presented*, and read the first time. [Bill 69.]

PUBLIC WORSHIP FACILITIES BILL.

(*Mr. Salt, Mr. Cawley, Mr. Cooper-Temple, Mr. Norwood, Sir Henry Wolf.*)

[BILL 22.] SECOND READING.

Order for Second Reading read.

MR. SALT, in rising to move that the Bill be now read a second time, said, it was identical with the Bill which he

introduced last Session, but which he was unable to proceed with on account of the time of the House being taken up with Government affairs; and further it was similar to the Bill which passed through the House in 1873, but which, owing to some misunderstanding, was lost in its passage through the House of Lords. It differed from the Bill of 1873 in some important points. He had omitted altogether the clause relating to chapels in private houses. He had omitted it in deference to the views expressed by some Members of the Upper House. Peers had peculiar, but not very well defined privileges with respect to private chaplains and chapels. It might seem somewhat strange that persons connected with the Peerage, and possessing large property, should have ecclesiastical privileges simply because they were Members of the Peerage. Other persons being only commoners, had estates and households as large or larger than those of any Peer. If they felt aggrieved, he could offer them some comfort. They had a large choice of religions. He could inform them, having paid attention to the subject for some years, that there was not a form of religion amongst the hundreds in the world which men might not practise with perfect liberty in their own homes, with the exception of the worship of the Church of England. He would now proceed to say a few words as to the difficulties for which he proposed in the present Bill to provide a remedy, and he could not better explain them than by quoting a passage from a Charge which was delivered in 1872 by one of the most eloquent of our Bishops. The Bishop of Peterborough, in speaking on that occasion of the great activity which existed throughout the Church generally, expressed a wish that he could say as much of every parish in his diocese, that there were in it no neglected parishes, no slothful or incompetent clergymen.

"There are," he added, "parishes among us which are a disgrace to the diocese and the despair of the Bishop; clergymen who neither do their duty nor allow anyone else to do it for them; who strain to the utmost those legal rights of our parochial system which are designed to protect the clergyman in his work, and not from it; and who contrive by virtue of these to make, in spite of parishioners or Bishop, their parishes very Gideons fleeces, dry as summer dust, while all around them may be watered with the dews of reviving life."

Such was the rebuke of one of the most eminent Prelates on the Episcopal Bench—a truly hard-working Bishop. There was a letter published some two years ago by a clergyman resident in the metropolis, in which he stated that in the parish in which he lived there were fully 100,000 inhabitants, and church accommodation for about 18,000. The Dissenting chapels would hold about 12,000 more, and after deducting the 20,000 persons who were too old or too young to attend, there were probably 50,000 persons unprovided for in church or chapel. Of these, perhaps, 25,000 would attend if suitable accommodation were provided. The writer went on to make a very good suggestion to the effect that, as there were a great many clergymen employed in the parish in schools, and as professors, lecturers, or tutors, and in various other ways, who had Sundays at their disposal, their services might be made available for additional Sunday services. But what made this simple and sensible plan impossible? It was in the power of the incumbent to suppress every meeting for public worship conducted according to the forms of the Church of England, while he had no power to interfere with the propagation of Romanism, Dissent, Infidelity, or Red Republicanism. He (Mr. Salt) would now refer to a letter from a gentleman living in a country parish. He said that the village and the larger portion of the population were two and a half miles from the parish church—so that, with the exception of two or three landowners who could avail themselves of carriage conveyance, not a soul ever attended Divine Service there. The writer went on to state that the poor of the parish especially were subjected to the caprice and indolence of an incumbent who held very extreme opinions, and if such a Bill as the present were to become law the wants of the parish would be supplied by the erection of places affording adequate accommodation for public worship. The writer added—

“I can afford abundant evidence of the good effect which Divine Service has produced here in former years, when I then fitted up a dwelling-house for the purpose, and a clergyman was permitted to do week-day duty in this parish.”

Now, that evidence, he thought, was sufficient to show that there existed some need for interference on the part

of the Legislature. There was a curious state of the law as matters now stood, in accordance with which, supposing an incumbent of a parish who was a really zealous man had established a small school or public service in any part of his parish where he might think the population stood in need of special attention, that service might go on very well during his incumbency, but might be stopped in the event of his removal from the parish by his successor without any reason whatsoever being assigned, and although the parishioners might be willing to pay for an additional clergyman. He would now attempt to show how his Bill would deal with the difficulty. It was practically divided into two portions. The first clause provided that where a service had been established by an incumbent, or with his consent, it should not of necessity cease on the incumbency becoming void—that was, should not cease unless the Bishop's license said that it should. Another part of the Bill would be much more debated—that relating to the cases in which the Bishop's authority was brought to bear. A certain number of parishioners—namely, 25—who wanted a service established in a particular part of a parish might go the Bishop and apply for the license for a minister. In this matter the interests of the incumbent were strictly guarded. As soon as the Bishop received the requisition he would have to ascertain for himself whether the additional service was absolutely necessary, and also, if it was, whether the incumbent was unwilling or unable to provide the service required. In case the incumbent was either unable or unwilling to provide such service, the Bishop would give notice of his intention to license a clergyman for the duty, and state who the clergyman was to be, after which the appointment would be made in due course. But there was a provision enabling either the Bishop, the incumbent, or the parishioners, to refer the whole matter to a Commission, consisting of the rural dean or archdeacon as chairman, a clergyman and layman nominated by the incumbent, and another clergyman and layman nominated by the parishioners, who should inquire into the case, and upon their report the license should issue or not issue. Several objections had been made to the Bill. Amongst other things, it had been said that this Bill would be

an infringement of the parochial system. Now, what was the parochial system? Such an inquiry presented unusual difficulties, not only from the complexity of Ecclesiastical Law, but from the fact that the opinions of ecclesiastical lawyers themselves were generally at total variance with each other. He had never been able in his experience to find two persons who agreed on the subject. If he went to one ecclesiastical lawyer and told him he had just consulted another, he was sure to be told that the other gentleman knew nothing about it. But with respect to the parochial system, he found in Burns's *Ecclesiastical Law* a remarkably clear statement—namely,

“There is no general principle of ecclesiastical law more firmly established than this—that it is not competent to any clergyman to officiate within the limits of a parish without the consent of the incumbent thereof.”

Whether that was good law he could not say; but he had no doubt that it embodied the general idea underlying the parochial system. Now, so far from being the first person to infringe this principle, which some people seemed to hold as almost sacred, he was only following in the wake of a series of Acts of Parliament which had been passed during the last 40 years. However clear the parochial system might be to clergymen themselves, there was no doubt it had proved very inconvenient to laymen, as was shown by the long-continued struggle of Parliament to limit its stringency. About the year 1824 an Act was passed for the appointment of chaplains of gaols, without reference to the incumbent, and simply by the license of a Bishop. In 1830 Parliament passed the Church Building Act, which also set aside the incumbent, merely allowing him power to make a statement of his objections. In 1834 an Act was passed for the appointment of chaplains of unions, again without reference to the incumbent. In 1863 an Act was passed with regard to services in Wales which was specially framed to prevent interference on the incumbent's part. Again, in 1868, an Army Bill was passed, which disposed of the incumbent by the ingenious device of marking off a space which was to be regarded as extra-parochial, and within which services could be held. An anecdote had once been related to him that a Volunteer officer, who had

assembled his men for a Sunday service, to be performed by their own chaplain, was interrupted by the rector of the parish. The officer, without staying to argue, simply marched his regiment into the next parish, where the neighbouring incumbent was more complaisant. The Public Schools Act, passed the same year—1868—withdraw public school chapels from the jurisdiction of incumbents; and in 1869 the Endowed Schools Act was passed with similar provisions. Then, in 1871, the Private Chapels Act removed from the jurisdiction of incumbents chapels belonging to all public and charitable institutions. But the Act to which he desired to call particular attention, and which he thought must have been overlooked by those persons who accused him of infringing the parochial system, was the Private Patronage Act, 14 & 15 *Vict.* c. 97. This Act empowered the Ecclesiastical Commissioners to establish a church with only the consent of the Diocesan, and without reference to the incumbent at all. In effect, that Act absolutely overrode the incumbent altogether. But it was necessary under that Act that persons seeking additional church accommodation should—

“Provide (a) a permanent church to be approved by the Board, (b) an endowment of £100 at least, and (c) a small repair fund of £150 or £200.”

He was quoting from a letter of the Commissioners. He had referred to the Act, and believed that a church might be built under that Act without having any district assigned to it. What this Act did for men of large means, his Bill, to a certain extent, proposed to do for men of moderate means, and of a humbler rank of life. The Church ought to be the Church of the poor as well as of the rich. Other objections had been made to the Bill. It was said by some persons that the Bill would establish Nonconformity; but he was quite at a loss to see how it could have that effect. Nonconformity practically was established and endowed already. It had established and endowed itself. And why? Because the restrictions under the existing law were so great that large bodies of men burst through the bonds they were unable to enlarge. The Bill would have the contrary effect of providing Church of England services for those who were now compelled either to live without religious services altogether or to resort to those

provided by Nonconformist bodies. Somebody else argued that the Bill would establish congregational worship, and said—"You are going to establish a chapel in every parish in the kingdom." If this were necessary, it would be requisite to pass a far more drastic and stringent measure than the quiet, cautious, and frequently-considered Bill which he now asked the House to adopt. He noticed that objection, not because it was a sound or strong objection, but because it had been urged by men of considerable ability, and his answer to it was this—"If you say this Bill is to establish a chapel in every parish, how extremely rotten the whole system must be. All laymen must be in a state of semi-revolt against their pastors. I, who advocate this measure, do not say I am going to establish a chapel in every parish in the kingdom. I say the effect of the Bill in that way will be very small. I only profess to deal with certain cases of neglect, and these cases are extremely few." Another point to which he would call attention was as to what had been the opinions of the Bishops and clergy on the subject. Now, this Bill had almost the unanimous assent of the Episcopal Bench. With regard to the clergy, his own impression was that there was a slight majority of the clergy in favour of the measure. They were, perhaps, about equally divided. On one occasion last year, at a clerical meeting, when the question was discussed, the votes on both sides were even. However, on that subject he had some evidence from a very good source. Some time ago a gentleman was kind enough to send him particulars of a discussion which took place at a rural deanery—he would not say what rural deanery. At that meeting there were 14 persons present, and the result of their consideration of this Bill was that, by a majority of 8 to 6, they passed a resolution to the effect—

"That considering how greatly Mr. Salt's Bill interferes with the parochial system, affects the position of incumbents, and risks the introduction of division and strife into parishes, this Chapter cannot approve the provisions of the said Bill."

If the gentlemen who voted for this proposition had watched the progress of ecclesiastical law during the past 40 years, and had also examined the provisions of his Bill, they would have

Mr. Salt

seen that endless Acts of Parliament had been passed which more or less interfered with the parochial system—some of them cutting away its principle altogether—and that his measure did not propose or attempt to do anything of the kind. Then it was said that the measure affected the position of the incumbents; but those who said so could scarcely have read the Bill. How did it affect the position of the incumbents? It did not touch their revenues in a single iota; it did not interfere with their rights and privileges in going about among the parishioners; it did not interfere with the incumbent in the least with respect either to the revenues or to the performance of his pastoral duties; because before a Bishop could issue a license under the Bill he must ascertain whether the incumbent was actually performing, or was willing to perform, his duty and supply services of which the parish had need. The Bill would only interfere with the right of the incumbent to do wrong by neglecting his duty, and no one could reasonably oppose the measure on that ground. Lastly, it was said that the measure would lead to division and strife in the parishes. Well, there were abundant instances of strife and division in the parishes; but this measure was one which would rather heal than create sores. It was an attempt to realise the wish of the late Rev. Sidney Smith, and raise "the English clergy to the privilege of Dissenters." What was their position at present? His friend who had sent him the report and resolution of his rural-decanal meeting could never have read or heard of the following passage, which recently appeared in a well-known Review, and which was an extract from a Review published early in the present century:—

"In any parish of England any layman or clergyman, by paying 6d., can open a place of worship, provided it be not the worship of the Church of England. If he wishes to attack the doctrines of the Bishop or the incumbent, he is not compelled to ask the consent of any person; but if by any evil chance he should be persuaded of the truth of those doctrines, and build a chapel or mount a pulpit to support them, he is instantly put in the Spiritual Court, for the incumbent, who has a legal monopoly of this doctrine, does not choose to suffer any interloper; and without his consent it is illegal to preach the doctrines of the Church within his precincts."

The object and intention of this Bill was to deal with spiritual neglect, and with

wide or crowded parishes. He should have liked to stop at that point, but was bound to say something more. There was another point pressed upon him both by his friends and his opponents, which did not actually relate to spiritual neglect in parishes, but to a very different matter. He was bound more or less to answer the question—"How does this Bill affect rival parties in the Church?" Well, this Bill, as he had already said, was not brought in in any party spirit; its honest and clear intention being to deal simply with spiritual neglect in parishes. At the same time, he felt bound to acknowledge what had often been repeated to him—that this Bill might be used for the purposes of party warfare. But to whatever uses the Bill might be put, it was in itself absolutely impartial. Any person, of any opinion whatever—whether High Church or Low Church, or any other Church—was equally at liberty to make use of the measure. It would be difficult for its provisions to be used for party purposes, because the sole duty of a Bishop, when applied to to put the clauses of the Act in force, was to ascertain whether the services asked for were necessary for the good of the parish. He would go a step further and ask whether, even supposing the Bill were occasionally used for party purposes, that would not be, on the whole, better than the present system. In a parish well-known to himself, there were two churches served by the same clergyman. In one church the service was plain and old-fashioned, in the other it was very ornate. Peace and friendship had almost invariably reigned in that parish. Each service was a safety valve for the legitimate desires of certain of the parishioners. Men of experience were of opinion that in dealing with the parochial system attention should be paid to the nature of clerical appointments. A man who was extremely young and very indifferently educated, and wholly without experience, might be appointed to some parish which required great energy, great tact, and great knowledge. Once appointed, however objectionable his conduct might be to the parishioners, however near he might go to a violation of the Ecclesiastical Law, however he might fail in character and morals, it was almost impossible to remove him. In a case of that kind, would it not be

far better, instead of, as often happened, driving away the parishioners into other parishes or into forms of worship which from their habits, education, and tastes they disliked, to give them an opportunity, at least for a temporary period, of carrying on worship agreeably to their opinions? The liberty of doing so was enjoyed in the fullest degree in every other religious community. He had endeavoured by this Bill to provide a remedy for an evil which, he believed, he had shown to exist in certain cases. He asked for the members of his own religious community that liberty which, as he had said, was enjoyed by every other religious community in this country—namely, the liberty of carrying on their own worship according to their own consciences. The hon. Gentleman concluded by moving that the Bill be read a second time.

SIR HENRY DRUMMOND WOLFF, in seconding the Motion, expressed his opinion that the Bill of his hon. Friend was in accordance with the comprehensive character of the Church of England. It had received the approval of a large number of Prelates and of many thoughtful clergymen. It would produce union rather than strife in parishes, and would maintain and strengthen what he believed was the best part of our parochial system. The consideration which most induced him to support this Bill was that it would give scope for the various kinds of thought which existed in the Church of England. In London and other large towns, where free and ample expression was given to those varieties of thought, that *odium theologicum* which was so strong in country districts was very rare. He read some time ago of a watering-place at the South of England where the population were armed against each other, and old friendships broken up on account of the position of the organ in the parish church; and near his own parish a dispute with reference to the position of the pulpit ended in a Commission to inquire into the veracity of the rector, which Commission was presided over by a county Member, whose verdict in favour of the clergyman produced a contest at the last election. In country districts such quarrels were inevitable. There were facilities for their weekly recurrence, and the irritation was never allowed to subside. As his hon. Friend had observed, Nonconfor-

mists were allowed to build chapels as they liked; restrictions were put only on members of the Church of England. The result of the present restrictions was that free churches of England had been established in several towns. His own conviction was, that if some such measure as that now proposed should not be passed, the process of disestablishment would be greatly facilitated. What they really wanted were Churches of Refuge, where those persons who did not agree with the incumbent's mode of conducting the services might have preaching and ceremonies with which they could sympathize. He trusted that hon. Members on both sides of the House who looked upon the Church, not merely as the vehicle of their own views, but as a great national institution, would relieve her of those cumbrous restrictions, which breathed the spirit that had deprived the Church of the followers of Wesley, and which were now driving away many earnest men who felt and knew that there was a place for them in her territory but declined to be tied down to the monopoly, or it might be called the infallibility for particular incumbent. He trusted that by affirming this Bill the House would allow the Church that fair field and full play for energy and zeal now only enjoyed by those who rejected her communion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Salt.*)

MR. BERESFORD HOPE said, he had opposed with considerable energy the Bill which his hon. Friend (*Mr. Salt*) introduced on a former occasion on this subject. He did not propose to take that course with regard to this Bill. He thought the Bill previously introduced was a dangerous Bill. His hon. Friend had very much modified it, and the machinery of the Bill would thereby be made to work much better. He did not agree with the hon. Member for Christchurch (*Sir H. Drummond Wolff*) in saying that the churches we needed were "Churches of Refuge:" refuge meant shelter from something evil, and he could not look on any form of worship in the light of evil. The Bill had been modified vitally in the clause which gave the incumbent the option of providing the desired services. The Bishop, too, had antecedently to make up his own mind

whether the services in question were, or were not, wanted. Then, the incumbent had the choice himself of providing them. This provision would, he believed, very much relieve the Bill from the character it formerly possessed, when it appeared to present a pistol at the head of the incumbent. Another concession which his hon. Friend had made was that when a matter came to trial the Commission was to be composed of five members, of whom the Bishop had only the appointing of one, and that one had been limited to the existing category of archdeacons and rural deans, while the remainder were equally divided between incumbent and parishioners. There was a further improvement in the Bill in the omission of the clause for creating a special privileged class of private chapels. He did not think that the existence of the privilege of the Peerage was any reason for creating a privilege of plutocracy, which the Bill of last year would have done. There were, however, points omitted which, he thought, had much altered the Bill for the worse. When the measure first came before the House it contained a special prohibition against the celebration of marriage being one of the items which the Episcopal licence would include; but there was no such prohibition now, and he thought the creation of what might prove to be almost clandestine places for the celebration of marriages would do no good to anybody. Therefore, he trusted that at some future stage of the Bill the former prohibition as to the celebration of marriages would be re-inserted. What was wanted was not fresh marriage stations, but opportunities of public worship. People need not always be marrying and giving in marriage, having the banns put up, and all that sort of thing. Again, the Bill, as it formerly stood, contained the following clause:—

"No seat shall be let for hire, and no fee shall be charged for admission in any chapel or building wherein Divine service is celebrated under this Act."

This was a valuable provision, as it excluded the commercial element from the Bill. The measure would not be worked on the old system of proprietary chapels, of which he had hoped everybody was ashamed, and which now only existed as remnants in a few corners of London. A return to such a system would be intolerable. It might perhaps be argued

Sir Henry Drummond Wolff

that the Bishop could prevent this, but how could he? A chapel might be licensed and an excellent clergyman procured; but if both ends did not meet the persons interested would go to the Bishop and say—"If you won't let us have pew-rents we will shut up shop and drop the whole affair." It would require a very strong-minded Bishop to reply—"Shut up shop, then, and be bankrupt." He hoped the clause prohibiting pew-rents would be re-introduced when the Bill was in the Committee stage. If pew-rents and marriages were prohibited, if the time for giving notices were revised, and if a fair consideration were given to the minimum number of persons entitled to petition for the privileges to be accorded, he thought the Bill might be safely sent to "another place," where those persons sat who, from their position, were even more familiar than Members of the House of Commons with such questions. If the Bill produced dissension in parishes he should be very sorry; but he gave his hon. Friend credit for endeavouring to prevent that result. Most people, he believed, agreed that in the broad and comprehensive Church of England there ought to be a certain elasticity of worship; and if the present measure increased elasticity without introducing flabbiness, it was desirable to pass it. Therefore, he would not on this occasion interpose such opposition as he had offered to the Bill in previous years, when it was submitted to the House in another form.

Motion agreed to.

Bill read a second time, and *committed for Tuesday next.*

PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) BILL.

(*Sir Henry James, Sir William Harcourt.*)

[BILL 32.] SECOND READING.

Order for Second Reading read.

SIR HENRY JAMES, in moving that the Bill be now read a second time, said, it was very similar to that which was introduced last Session. That Bill was read a second time, the House approving of the principle of it, as far as any principle was involved in it, and it was then referred to a Select Committee. There the matter was fully discussed, and the evidence of returning officers and

other persons most interested was gone into, the result being that the Committee reported in the very terms of this Bill both in relation to the clauses and the amounts mentioned in the Schedules. Under these circumstances, he need only very briefly state the purpose and object of the Bill. The charges of returning officers had become, according to the views of many Members of this House, and also of candidates, very excessive, and far beyond what the law allowed. There were, however, words in the Ballot Bill which gave opportunity for returning officers to contend that they were entitled to make these charges, and it was very difficult indeed for candidates to argue with returning officers as to their rights to make the charges; indeed, it was almost impossible to refuse to pay such charges, whatever they might be. But these charges were not only excessive, but they were exceedingly uncertain in amount. In some constituencies; indeed, great liberality had been shown by returning officers who had devoted their attention to procure economical expenditure, and had given their services gratuitously in many instances or had made only reasonable and fair charges. In other places the expenditure had been reckless as regarded the number of clerks and their payment, the representative of the returning officer in each booth, and the personal charges of the returning officer. He did not wish to refer to instances which could be freely given; but a Return had been obtained by the hon. Member for Mid Somerset which showed that in many cases these charges amounted to nearly £3,000. There was one peculiar example in the county of Bucks, where, although the contest was not a very severe one, the charges were very high, and altogether disproportionate with those in other constituencies. He believed he expressed the general feeling of the House when he said that the charges were excessive and that their inequality ought to be removed. The Schedules had been carefully prepared with a view to the attainment of this object. There was only one matter of principle involved in the Bill—namely, in the third section, which required that candidates before being nominated should deposit the sums they were liable to be charged under the Schedules. Perhaps the hon. Member for Hackney (Mr. Fawcett) might take exception to

this section on the ground that it tended to ratify the principle of the payment being made by candidates instead of by the ratepayers. They must, however, take things as they found them. This House had decided that candidates should continue to bear the expenses, and had refused to put them upon the rates, and so long as this remained they must act in accordance. As to the future, if the hon. Gentleman brought forward any measure to effect the change he desired, that would no doubt be freely and fairly discussed, and anything he urged would be decided upon its merits. But so long as candidates were to pay these expenses this difficulty remained—a candidate who was insolvent might present himself, and the returning officer might expend £1,000 on his behalf, and he had no remedy to recover the share of the expense of the insolvent candidate, and he could charge the other portion against the willing and honest candidate. An instance of this kind took place in the case of the election for Haverfordwest. A candidate presented himself, whereupon the returning officer thought he had a right to make a demand for a deposit, which the candidate refused to pay. Upon this the returning officer wrongly considered he had the power to refuse the nomination, and he made an unopposed return in favour of the present Member (Lord Kensington), who was unseated, and had to undergo a second election. It was the wish of the returning officers themselves that this security should be given to them. It would be in the option of the returning officer to apply for the deposit or not. In many cases he would not, perhaps, make any such application; but it was only right that he should be secured from any loss.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Henry James.*)

MR. CHARLES LEWIS said, he had always been of opinion that the true reason why the charges of the returning officers amounted to considerable sums was because the candidates, and not the ratepayers, had to pay them. If the constituencies had been required to pay them there would have been no necessity for this Bill, as the charges would in that case have been kept within moderate limits. One of the chief provisions of

the Bill was that a considerable sum should be deposited by candidates to cover the returning officer's expenses. This provision, again, was only rendered necessary by the existing law, which made the candidate pay the returning officer's expenses. On this subject, as on some others, he differed altogether from most of those who sat on the Ministerial side of the House; but he had never yet been able to understand why the constituents should cast upon the candidates the expenses caused by their assembling to give their own votes under the presidency of their own returning officers. When the proper time came he should have no hesitation in asking the House to support the proposition that such expenses be paid by the constituency, because they ought to pay for the election of their own Members, and he believed the practice would tend to purity of election. If they went into Committee on this Bill for the purpose of dealing with the items in the Schedule he should call attention to the fees of the sub-returning officers, which he considered in some cases were too small.

MR. FAWCETT said, before the Bill was read a second time, he should like to make one or two observations. He thought, to say the least of it, the speech of the hon. and learned Gentleman who moved the second reading of the Bill was extremely inadequate. It was true the Bill was rejected last year; but the House generally did not know in what form it would be brought forward. Looking at the Bill itself there were one or two points upon which his hon. and learned Friend (Sir Henry James) gave them insufficient information. It did not seem to him at all certain that the Bill would reduce the fees of returning officers. In fact, there were hon. Members in the House who could prove conclusively that in elections appointed under the Schedules of this Bill the expenses of returning officers, instead of being decreased would be very considerably increased, in some cases by no less than 50 or 100 per cent. Apart, however, from these details, the Bill was based upon a radically unsound principle. If we were to have excessive expenses of returning officers, they would not prevent them by this Bill. What they must do would be to interest the constituencies themselves in economy. Now, constituencies were encouraged in extravagance;

Sir Henry James

and the more the returning officers got from candidates the better it was thought for the trade of the place, and that was the secret of the great expenses associated with the present system. There was no reason, so far as he knew, why a school board election should be less expensive than a Parliamentary election. In many instances, in consequence of women being able to vote, the constituency for a school board election was more numerous, and therefore, *a priori*, the necessary expenses ought to be greater than those of a Parliamentary election. In some cases he was free to admit that the constituencies in school board elections had not taken proper care of the expenses; but if they looked at the Returns lately laid before Parliament they would find again and again the expenses of returning officers at school board elections were in many instances not one-half, in some cases not one-third, and in one or two instances not one-sixth of what they had been at Parliamentary elections. If they gave constituencies an interest, they would try to decrease the expenses. If constituencies had to bear the expenses of municipal and school board elections, why should they not bear the expenses of Parliamentary elections? Was not a Member of this House just as much a servant of the constituency—did he not, at any rate, do the constituency just as great service—as a member of a school board or a Town Councillor? It appeared to him that the hon. and learned Gentleman who had charge of the Bill ought to be able to give the House some assurance that it would not actually increase the cost of Parliamentary elections, as he thought it would in many cases do. In his own constituency he found that the candidates would have to deposit £1,200, and that was within a few shillings of what was deposited at the last election. He hoped it would be understood that the Bill would not be accepted as it stood, either as regarded principles or details.

CAPTAIN NOLAN said, he wished to offer one or two observations on this Bill. He agreed with the hon. Member for Hackney (Mr. Fawcett), that in many cases the expenses of returning officers would be enormously increased under it. Elections in Ireland were conducted in a somewhat different manner from what they were in England. In Ireland in

nearly every polling district there was a court-house, and when that was used the expenses on account of polling-booths were very small. By the Schedule of the Bill it was possible for the sheriff or under-sheriff to charge £7 7s. for the hiring of a polling-booth, and £7 7s. for fitting up the same, and that was a total of £14 14s., which was a large sum of money to pay for such a purpose. Take, for instance, his own constituency (Galway), where the most extravagant sum of any constituency in Ireland was, according to the last Returns, spent on the official items. There the amount expended was only £33s. for each poll-booth. He had consulted hon. Members whose constituencies adjoined his, and they perfectly agreed with him that in no case would more than 4s. or 5s. have been the cost of fitting up the booths. By the proposed system, instead of decreasing the expenses, they would enormously increase them. There was another thing to which he would call the attention of the hon. and learned Member who had brought in this Bill—namely, the charge for travelling expenses. In Ireland those expenses were necessarily very large at elections, because the counties were in no case divided into electoral divisions as they were here in England. This was an important point that the Bill before the House did not notice, and which was equally ignored by the Ballot Act. There was at present no means of fixing how travelling was to be charged for. There was to be considered the journey of the presiding officers to the sheriff, their return, their fresh journey with the ballot boxes, return again, and then the officers' journey home. There were some good points in the Bill, he must acknowledge, but constituencies differed very much. Strange to say, on the point the hon. Member for Hackney had adverted to, the Bill would suit the constituency of Galway exactly, as the franchise was higher there than in the boroughs in England. Some Bill like the present was necessary, but it would require a great deal of revision before it was passed.

MR. GREGORY pointed out that the Schedule of the Bill already met the objection raised by the hon. Member, and remarked that it was said that the Bill would tend to increase the expenses of the returning officers; but he did not see how that could

be, as their expenses were at the present time practically unlimited. What the Bill proposed to do was to put some reasonable limit to the expenses, and prevent such enormous sums being charged as were returned by some returning officers. He highly approved of the remedy the Bill gave to the officer to enable him to recover his expenses where a candidate was put up without his own consent, for which at present he had none. They had travelled rather beyond the limits of the debate by discussing whether constituencies should pay the cost of election, and he feared that if they had to wait till that question was settled before they fixed the relations between the candidate and the sheriff, they would have to wait a very long time indeed.

Motion agreed to.

Bill read a second time, and *committed for Wednesday, 17th March.*

COMMON LAW PROCEDURE ACT (1852)

AMENDMENT BILL—[BILL 33.]

(*Mr. Waddy, Mr. Lopes, Mr. Charles Lewis, Mr. Morgan Lloyd.*)

SECOND READING.

Order for Second Reading read.

MR. WADDY, in moving that the Bill be now read a second time, explained that its object was to remedy a defect in the Common Law Procedure Act of 1852, which permitted foreign corporations to sue in this country, but not to be sued. This had been illustrated only lately in a case in which a foreign corporation recovered a large sum of money in this country, and the defendants could not even plead as a set-off the amount due to them from the corporation.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Waddy.*)

Motion agreed to.

Bill read a second time, and *committed for Friday.*

JOHN MITCHEL.

Motion made, and Question proposed,

"That there be laid before this House, Copy of the Certificate by the Clerk of the Crown for the County of Dublin, of the Conviction and of the Judgment in the case of the Queen against John Mitchel, tried at a Court of Oyer and

Terminer and Gaol Delivery held at Dublin on the 26th day of May 1848:

"Extract from the Government Gazette, published by authority, at Hobart Town on the 14th day of June 1853, containing an official notification of the escape of John Mitchel, and offering a reward for his apprehension:

"And, Copy of any Despatches from the Lieutenant Governor of Van Diemen's Land, relative to the Ticket of Leave granted to the said John Mitchel, and to his escape from the Colony."—(*Mr. Hart Dyke.*)

CAPTAIN NOLAN said, he rose on the part of some hon. Members for Ireland, and in the absence of his hon. Friend the Member for Louth (Mr. Sullivan), to make a few remarks on the Motion just made. It was unnecessary for him to say that he did not sympathise in any way with the past politics of Mr. Mitchel—he did not know what his present politics were—but he did think the conduct of the Crown, if they wished to interfere with the election for the county of Tipperary, which could be the only object of the present Motion, was unfair—he might almost say, unworthy. Whatever Mr. Mitchel's former offences might be, he was in Ireland last year, and the Government might then, if it had chosen, have put him in prison for any offences he had committed. He did not say that he should not have opposed such action on their part. But, at the present moment, there was a constituency in Ireland open for election. He knew nothing of the reason why that election was being held—or rather he knew nothing of the cause which created the vacancy—except that he remembered what a former Member for Tipperary (Colonel White) said in that House five or six months ago in a Home Rule debate. It seemed to him that in the present case the Crown had determined to prevent a contest in Tipperary—and to prevent that constituency from speaking out. By the Crown, of course he meant the present Ministers of the Crown. The proper course, in his opinion, would have been either for the Government last year to have imprisoned Mr. Mitchel when he was over here, or now to have started a Conservative candidate against him. He entirely disapproved of the conduct of the Government in the matter, and, if allowed to do so, should oppose it.

MR. DISRAELI: It may be convenient for the House that I should read a Notice I am about to give of a Reso-

Mr. Gregory

lution I propose to move on Thursday next:—

"That John Mitchel, returned as Member for the county of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House; that Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland, to make out a New Writ for the electing of a Member to serve in this present Parliament for the county of Tipperary, in the room of John Mitchel, adjudged and sentenced as aforesaid."

MR. SULLIVAN: I have only this moment, Sir, entered the House, and I am not aware whether I have been accurately informed as to the exact nature of the Motion before the Chair; but I understand it is a Motion for Papers relating to the conviction of Mr. Mitchel. How is Mr. Mitchel before this House? I should like to ask what cognizance this House has of whatever return the county of Tipperary may have made this day? How is Her Majesty's Government aware, or is there a precedent—it becomes me to speak with diffidence upon the precedents of the House, but I speak in all good faith when I ask—Is there any precedent for these proceedings? Sir, this House sits under a Constitution that has not been the creation nor the draft on paper or a year or a century; but it sits here under forms and precedents established throughout the course of many centuries, and I should like to know whether there is a precedent for these proceedings, that in this Chamber, within almost an hour or two of the time fixed for the Sheriff to receive the nomination for the county, one of Her Majesty's Ministers should rise in this House to overshadow and arrest the choice of that constituency? The electric telegraph has flashed to London the news that Mr. John Mitchel is knight of the shire for the county of Tipperary; but I do not know, Sir, how far the discoveries and the application of science in the transmission of political news have been incorporated with the Forms or usages of this House; and if there be a precedent for this extreme precipitancy on the part of the Government, on finding that they ought to have done something yesterday which they did not do, and therefore running

down in hot haste to-night with their Motion before the return of the Sheriff to the writ has reached them. I hope this House will, at all events, take a little breathing time; the British Constitution can endure Mr. John Mitchel, Member of Parliament, for 24 hours, and I hope there is no need of creating in this hot haste a precedent that may hereafter be very dangerous. The electors of the county of Tipperary were asked to select a man to represent them as knight of the shire in this Assembly. They by this time have made their choice. It may be that they have made an unwise, it may be that they have made a wise, choice. Mr. Mitchel's politics are not mine. I have stated that elsewhere, where I had the opportunity ere now. But the people of Tipperary, if they have elected him as their Representative, have done it deliberately. I state here that they have done that act deliberately as their reversal, in the face of all the world, of the ignominious sentence that was passed upon him when he was carried out of Ireland loaded with chains. It is not in the power of this House—though it is omnipotent in all that relates to legislation, I say it with all respect—it is not in the power of any vote of this House to arrest that signal compliment paid by an Irish constituency to the public character of a man with whose political opinions I believe they do not coincide. It is to his fate as a victim of the evil system under which Ireland has groaned, to his broken life, broken fortunes, and health ruined in the desperate cause of his country, that the people of Tipperary have offered this signal compliment in the face of all the world. I said here last year—and perhaps English Gentlemen did not attach sufficient weight to my statement—that the Home Rule Members in this House were the middle party in Irish politics, and that they corresponded somewhat with the like party in Hungary, having the advocates of separation on the one hand, and the advocates of Imperial absorption on the other. Perhaps the House will understand what I said now when our Gambetta has been returned as the most extreme of our Extreme Left—for we have exactly such parties in Ireland. A Member of the Extreme Left, no doubt an advocate of separation, has been returned for Tipperary, if we can trust the telegraph.

When the House has the return fairly before it—when you, Mr. Speaker, in the proper course of procedure, have the document before you on the Table—then let the House deal with this matter. Surely this haste is most unseemly; and I notice that another new precedent is to be set up in this case. Mr. Mitchel was adjudged guilty of treason-felony. If I am not in error, among all the precedents upon your Journals, the last Motion before this House of this kind was that Jeremiah O'Donovan Rossa, having been adjudged guilty of treason-felony, and being now in prison undergoing his sentence, the election was void. That is not the case here. I state upon authority that Mr. Mitchel has obtained the opinion of two eminent lawyers—one an English, the other an Irish barrister—that he is fully eligible, and he is prepared to establish his eligibility before any legal tribunal. But if the trial of a point of law is dexterously to be snatched from the ordinary legal tribunals of the land, and this matter is to be settled upon party principles by a party vote in this House, then I say you do an injustice to Mr. Mitchel to-day that may be the means of doing injustice to any citizen to-morrow. If he be legally disqualified, let the legal disqualification be brought before the ordinary legal tribunals of the land. There is, at all events, a disputed point in this question. It is said that felony may be purged by one of two courses—either by the pardon of the Crown, or the lapse of the time of sentence; and I believe the legal opinion has been given that as Mr. Mitchel did not return to these Realms for the 14 years for which he was transported beyond the seas, though he may be amenable to a charge of gaol-breaking, yet he is not liable for his original sentence. If that be not law, let us have the legal point decided in a legal way. I protest, Mr. Speaker, against the attempt in this House to snatch this question from the purview of legal authorities, and to settle it here by, as I say, a strong party vote. Perhaps, Sir, I should not have said so much had I heard the Motion more correctly; but I, for one, rise to protest against the undue haste manifested—the rush made—to prevent Mr. Mitchel from taking his seat in this House.

SIR GEORGE BOWYER asked, for the sake of the proceedings of the House,

and the observance of the Constitutional laws of the country, whether the return for the county of Tipperary had been yet received? Until it was, no one knew anything officially as to the election. The writ was issued out of Chancery, and the return should be brought into Chancery. Until that return was received, no legal act could be done with respect to the election—its validity could not be questioned, or the return quashed. When the return was lodged in the Court of Chancery, it could have been questioned on a point of law on demurrer, or opposed on a question of fact in the Court of Common Pleas, according to the ancient form of procedure which prevailed up to the reign of Elizabeth. Since then the House of Commons had usurped the form of deciding upon the validity of election; but it really stood in the place occupied in that respect by the Court of Chancery before Elizabeth's time. A point arose as to the validity of the return for Tipperary; but he must protest, as a matter of regularity and Constitutional law, against the return to the writ being adjudged invalid by the House of Commons before the return had been placed before them. If it were, he was strongly of opinion that the next return would be held to be void. This Motion, if carried, would create a most unfavourable impression in Ireland.

Question put.

The House divided:—Ayes 174; Noes 13: Majority 161.

Papers *presented* accordingly; to lie upon the Table, and to be *printed*. [No. 50.]

MR. HART DYKE moved that the Papers be taken into consideration on Thursday next.

SIR GEORGE BOWYER said, that what had occurred showed the great inconvenience of proceeding with an important Motion of which no Notice had been given on the Paper. What had happened? The Irish Members were in the lobby or in the dining-room; at all events, out of the House. They heard that something was being done about the Tipperary election; they came in, and they did not know what it was that was proposed. [*Ironical cheers.*] How could they know if they were absent? He was informed that a writ for Tipperary was being moved for, and the con-

Mr. Sullivan

sequence was, that he threw away and wasted a sound Constitutional speech. This would not have happened if Notice had been given on the Paper of the Motion to be moved on the part of the Government, and he hoped it would not occur again. He was now informed that Notice had been given of the intention to move for a new writ for the county of Tipperary on Thursday next. If so, he thought that was irregular and premature; because the return of the election had yet to be made, and the proper authority had to decide whether it was valid or void, and whether the person returned was qualified to sit. A question of law had to be decided, and it was on the official return alone that it could be decided. Therefore, it was premature and irregular to give Notice of a Motion for the issue of a writ. He hoped the Government would withdraw the Notice of Motion. The time would come when that Motion might be made and when it would, no doubt, be entertained in a proper manner.

MR. JOHN MARTIN: I beg to move that in addition to the Papers ordered, there also be furnished Papers showing the composition of the jury on the occasion of Mr. Mitchel's trial, the names of the jurors, and the proceedings in the Courts of Law with reference to the selection and striking of the jury. I will explain to the House that my reason for doing so is to satisfy hon. Members of the gross jury-packing which has prevented the verdict from having had any moral effect in Ireland.

[The Motion was not seconded.]

Original Motion put, and *agreed to*.

MR. JOHN MARTIN: I thought I was in Order in proposing my Amendment. If I am now in Order, I move for the production also of the Papers setting forth the names of the jurors who convicted Mr. Mitchel, the proceedings at the trial by which these jurors were selected by the Government, and all such further information as may be required for clearing up to the satisfaction of the House the character of that transaction as a trial in a Court of Law and of Justice.

MR. SPEAKER: Will the hon. Member bring up the terms of his Motion?

MR. JOHN MARTIN was about to place his Motion in writing when—

MR. SPEAKER: I must remind the hon. Member that in accordance with ordinary practice he should give Notice of his Motion for a future day, when there will be an opportunity of considering the terms of the Motion which the hon. Member proposes to submit to the House.

MR. SULLIVAN: It would have been well, Sir, if the Government had adopted the wise course you have suggested.

MR. JOHN MARTIN: I beg to give Notice of my Motion for to-morrow.

House adjourned at Seven o'clock.

HOUSE OF COMMONS,

Wednesday, 17th February, 1875.

MINUTES.]—PUBLIC BILLS—Ordered—Registry of Deeds Office (Ireland)*.
Second Reading—Wild Animals (Scotland)
[18], put off; Marriage with a Deceased Wife's Sister [44], put off.

WILD ANIMALS (SCOTLAND) BILL.

(Mr. James Barclay, Mr. Trevelyan, Mr. Fordyce.)

[BILL 18.] SECOND READING.

Order for Second Reading read.

MR. J. W. BARCLAY, in moving that the Bill be now read a second time, said: Mr. Speaker, I am not unmindful of the views expressed on behalf of Her Majesty's Government by the right hon. Gentleman the Home Secretary—whom I am sorry not to see in his place—on the occasion of the second reading of the Bill introduced last year by my hon. Friend the Member for Linlithgowshire (Mr. M'Lagan). The statement made by the right hon. Gentleman on that occasion, if I remember aright, was to this effect—that any measure dealing with the question of game ought to be drawn on so wide a basis as to prove a settlement of the question, and that a Bill dealing so comprehensively with the subject could only be carried through this House by Her Majesty's Government. I admit the force of the view expressed by the right hon. Gentleman; but I have considered it my duty to submit to the House proposals which, in certain respects at least, are new, and which, I have taken care to satisfy my-

self, will be accepted as a settlement of the question. If Her Majesty's Government be pleased to approve of the principle of this Bill I shall be happy, if it be read a second time, to leave the subject in their hands; and I can assure the right hon. Gentleman that the settlement of this vexed question would be conferring great public benefit no less on the landlords than on the tenants. In recommending this question to the consideration of the House I shall not enlarge upon the moral and material evils and the great public loss which arise from the excessive preservation of wild animals under the existing system of legislation. The Committee of this House which for two years took evidence on the subject collected a mass of information which ought to satisfy unprejudiced persons of the very serious evils which exist; and I think the public are very much indebted to my hon. Friend the Member for Leicester (Mr. P. A. Taylor) for the great trouble and the numerous efforts he has made to bring these evils under public notice. But I cannot allow this opportunity to pass without making my protest against the numerous cases of cruel injustice which are perpetrated under the Night Poaching Acts. Any one who has observed the convictions under those Acts cannot fail to have been painfully struck by the numerous cases in which highly respectable young men have been committed to prison for offences under those Acts. It may be that a farmer's son or a respectable young labourer, for the love of youthful sport and adventure, goes out in search of hares on a moonlight night, and finds himself pounced upon and committed to prison without the alternative of a fine. Sir, I can assure the House that such cases of injustice provoke very largely feelings of resentment against the vindictive character of these laws, and encourage sentiments from which landlords will be the first to suffer. Surely, Sir, it is time that legislation so vindictive and so oppressive should be swept from the Statute Book. I propose to deal with this question by abolishing the whole complicated system of our existing legislation, which I believe cannot be amended, and substituting therefore a simple measure based upon principles of equity and natural justice which I think should fully recommend themselves to the moderate men on both sides of this question.

Mr. J. W. Barclay

Perhaps I shall most readily explain the provisions of the Bill by stating the principles which I have endeavoured to embody in its provisions. The first principle which I have endeavoured to give effect to is this—that killing wild animals is a right naturally incident to the possession of the land on which the animals may for the time be, and that this right should be protected to such an extent as may be reasonable and necessary. I shall not pause to consider the question of the total abolition of the Game Laws without any substitute, because I am not aware that such a proposal is made by any hon. Member of this House, and, so far as I am able to judge, such a proposal is not supported by public feeling out-of-doors, either in burghs or in counties. I have endeavoured to give effect to the principle which I have stated in the 6th clause, which provides for a simple trespass law directed entirely to trespass in pursuit of wild animals. I do not propose to interfere with the ordinary trespass law, but I propose that it should be an offence under the Bill to trespass upon lands in pursuit of wild animals. To obtain a conviction under the clause, it will be necessary that the trespasser should have some instrument or dog, and further to give *prima facie* evidence that he is trespassing in pursuit of wild animals. I believe that if this law is judiciously administered it will give rise to no miscarriage of justice, and give no occasion for inflicting punishment upon innocent persons. I have, in drawing up the clauses, endeavoured to distinguish between the incidental trespasser and the professional poacher. For the first offence I provide a small fine, not to exceed 10s., and for the second and further offences penalties not exceeding £5. I think it would be a great mistake in any re-adjustment of the law to insist upon severe penalties, because I think that under an equitable and reasonable system of legislation public opinion will not sympathize with the poacher to the extent it at present does. That sympathy is due to three causes. The first is the severity of the penalties inflicted under the existing law; the next, sympathy with the farmer, who suffers heavy loss from the excessive preservation of game; and lastly, the feeling that these convictions are sometimes obtained on evidence which, in the higher Courts, would not

be considered sufficient to warrant a conviction. I shall perhaps best explain the second principle which has guided me in drawing the provisions of the Bill by referring to the views which have been often expressed by the right hon. Gentleman the Member for Birmingham (Mr. Bright), to whom the farmers and the public are so much indebted for his long and continued efforts for the reform of these laws, and for calling public attention to the evils arising under them. The right hon. Gentleman has stated his opinion that occupants of cultivated and arable land ought to have absolute control of wild animals of every kind upon their land. While agreeing theoretically with the right hon. Gentleman, I think a substantial remedy may be given for existing grievances without going so far as the right hon. Gentleman proposes. The principle which I have endeavoured to give effect to in the Bill is, that the occupant of cultivated and arable lands should have absolute control over the wild animals which live upon his crops. This proposition naturally divides wild animals into two classes—those which live upon the farmers' crops, and those which do not. The valuable wild birds which do not live to any appreciable extent upon tenants' crops I have embodied in a list which I propose to call game. Difficulties may, perhaps, arise as to some of the birds in this Schedule. I am ready to admit that grouse and pheasants in certain seasons and in particular districts do considerable damage: but although I do not profess that this is a perfect Bill, or that it will remedy all the grievances complained of under the existing system, I am prepared to affirm that the proposals embodied in the Bill will remove nine-tenths of the grievances of which farmers complain. Although in certain cases grouse and pheasants do damage to growing crops, it is within a limited area. All the farmers who suffer from game to whom I have spoken on this question have stated to me that, though they might suffer a certain amount of damage from grouse and pheasants, they would be satisfied if they had an absolute control of the hares and rabbits upon their lands. This brings me to the great cause of the grievances which at present exist, and the difficulty which stands in the way of dealing with those

grievances in a satisfactory manner. In respect to ground game—hares and rabbits—my contention is this, that the preservation of hares and rabbits by the landowner at the cost of the tenant is an arrangement of so vague, uncertain, and indefinite a character that it does not, and cannot, from the nature of the subject, present conditions which are essential to every contract. I might argue this question on the necessity for Parliament interfering and declaring contracts to this extent null and void, and if I did so it would not be necessary for me to depend on my own views of the farmer's position, for the position of parties to certain contracts may be quite clearly ascertained by the terms of the contracts themselves. I shall give examples of some of these contracts, so that the House may be able to form an opinion as to whether one of the parties can be considered in the free and independent position which the law supposes every party to a contract to be. The first example to which I refer relates not to small holdings, but to estates of very considerable importance in the north-eastern counties of Scotland, and I should state that these conditions are printed regulations not embodied in any special minute or lease. The conditions apply to the whole estate, and are the conditions upon which alone farms upon that estate will be let, so that a farmer who applies for a farm is at once informed that unless he is prepared to agree with the regulations affecting this estate, it is unnecessary for him to make any offer for the farm. The first condition is—

“The proprietor reserves all the game, deer, roe, rabbits, wild fowl, and fish on the estate, with the exclusive liberty and power of shooting, hunting, coursing, and fishing for the same, either by himself, his servants, or others having his permission, tenants under game leases, or their servants, and that notwithstanding any modification or alteration which may hereafter take place in the laws now existing for the protection of the game—no claim being competent to the tenants for damage done or occasioned by or through the exercise of the privilege above-mentioned, nor for any damage done or occasioned by the game itself or by rabbits.”

In this condition the landlord not only endeavours to bind the tenant, but absolutely tries to over-rule the legislation of this country. The second condition is this—

“The proprietor reserves to himself the whole game of every kind—rabbits, wild ducks, and

such like—and the fish in the river and burns within and bounding his lands, with power and liberty to himself and others having his permission to hunt and shoot, fish, and sport therein; and the tenant shall be bound to protect the same, and to stop all poachers, and other unqualified persons, and to give due notice of same to the proprietor; and all the tenants are hereby expressly prohibited from keeping a dog or dogs. The tenants are strictly prohibited from keeping or allowing to remain on their farms any person or persons likely to become a burden on the poor's funds. A contravention of the above regulations, one full year's rent falling in arrear, or bankruptcy of the tenant, are hereby specially declared to incur an irritancy of the lease."

Thus the landlord binds the tenants, under the terms which I have specified, to such an extent that if they transgress in any one particular, that transgression would practically terminate the lease. Now, Sir, referring to these conditions, I ask the House to consider for one moment what are the real conditions into which the tenant has entered? For the consideration of a fixed reduction of rent—a reduction which it is alleged is in many cases not made—the tenant undertakes to keep, or allows to be kept, an indefinite number of hares and rabbits, and not only to keep these animals, but to allow them to destroy or consume as much of the crops as the landlord, from the quantity of game which he wishes to be kept, thinks proper. The practical effect of this is that the tenant places his fate and fortune in the hands of the landlord. It is quite true, no doubt, that in comparatively few cases is this privilege which the landlord reserves to himself abused. But even admitting that this were so reasonable, men die, and estates are sold. It, therefore, practically comes to this—that the tenant puts his fortune into the hands of persons whom he does not know, and that to an extent which, if the landlord chose, would be sufficient to ruin him. Surely such a state of matters is an ample justification for this House interfering with freedom of contract, and declaring that such a contract ought to be null and void. But I prefer to argue the question upon this ground—Is this an arrangement of such a nature as the law ought to recognize, and does it contain the essentials necessary to every contract which the law in other cases enforces? If the tenant were bound to keep a certain definite quantity of hares and rabbits, and deliver them to the landlord at a particular time, that

would be a contract which would be definite in its conditions, and it could be understood. It might be highly inexpedient, highly injudicious, and contrary to public policy, that such a contract should be made; and in such a case it would be right for Parliament to interfere, and declare such contract null and void. But here the quantity, the conditions, the time of delivery, are altogether vague and uncertain. I do not think that from the nature of the case it is possible that such an arrangement as I have indicated, and such conditions as I have just submitted to the House can contain conditions essential to contract in other cases. I do not ask Parliament to declare contracts of that kind null and void, because I do not think from the nature of the case a good contract can be made—I mean good in the eye of the law. All that I ask the House to do in reading the Bill a second time, is to declare that any arrangement for the preservation of hares and rabbits at the expense of the tenant must be, from the very nature of the subject, so vague, indefinite, uncertain, and unreasonable, in regard to the considerations, as to be awanting in the essentials which every contract ought to possess. This principle I have endeavoured to embody in the 5th clause of the Bill. By the first part of the clause, I assimilate the law of Scotland in a certain degree to the law of England, and give the tenants the joint right with the landlord of killing all wild animals on the land in his possession. Every tenant, it provides, shall have the right to pursue, take, or kill, and to authorize others to pursue, take, or kill, any wild animal on the land occupied by him. If the matter were allowed to rest here, there would be nothing to prevent the tenant at once assigning this right back again to the landlord, the same as is the practice in England, where the tenant, according to the presumption of law, has the right to the game. It is therefore further provided in the clause "that every contract in restraint of this right shall be held and construed to apply to game only." If the landlord attempts to restrict this privilege, the law shall only recognize it to the extent of wild animals which come under the denomination of game. As regards the new jurisdiction to be provided under the Bill, I propose to transfer all serious cases from the justices of

Mr. J. W. Barclay

the peace to the sheriff. When the penalty does not exceed 10*s.*, the jurisdiction may remain with the justices of the peace. I have been induced to do that for this reason—that in large counties and in outlying districts, offenders may prefer to be tried by a justice of the peace, when the penalty is limited to 10*s.*, rather than to be troubled with the expense of going to the county town. The Bill which is now submitted to the House is not applicable to England; but there is no reason why it should not be made so, if practicable. While I think the proposals of the Bill are equally applicable, and would be as acceptable in England as they would be in Scotland, I have not in the measure now submitted proposed to include England; but if the Bill should pass a second reading, I shall be quite willing to support any proposal to extend it to the southern half of the island. There is no close time provided under the Bill. I have refrained from introducing any provision on that subject on this principle—I look upon these valuable wild birds, which are in the Schedule, very much in the nature of crops; and if the proprietor of the land chooses to begin to reap his crops at an earlier time than it is wise for him to do so, that is a matter for his own consideration. I should, however, make no objection to the introduction of a close time; but only I do not think it is consistent with the principles I have adopted in considering the measure. It may be objected that I have not enlarged on the public grounds on which the Bill should be supported. I have not done so, because practically, if in this matter the interests of the farmers are protected, so will be the interests of the public. The interest of the farmer is to grow the largest amount of crop so as to make the largest amount of profit out of his land; and the interest of the public is that the farmer should be stimulated and encouraged to produce the largest quantity of food in order that they may get it at a reasonable price. The interests of the farmers and the public are identical, and if you protect the interests of the one, you provide for the interests of the other. I shall refer only to one argument against the Bill. It has been said that the farmers themselves might take to the preservation of hares and rabbits. That is an argument which will have no

weight with those who are acquainted with the subject. In the low country, shootings let at from 6*d.* to 1*s.* an acre, and in few cases does the rent exceed 1*s.* Everyone who knows anything about the damage which hares and rabbits in considerable numbers do to a farm, will agree that for three or four times that amount no farmer would tolerate any quantity of hares and rabbits upon his farm which would interfere to any appreciable extent with his crops or the cultivation of his farm. It would be far more profitable at present for farmers to take shootings upon lands belonging to other persons; but we know that farmers do not take shootings, and therefore it is not reasonable to expect that they would preserve hares and rabbits to any appreciable extent under this measure. I have touched generally upon the principles which have guided me in framing the Bill, in which I have endeavoured to bring forward as moderate and reasonable propositions as would be of service, and such as ought to be accepted by moderate men on both sides of this question, and I now ask the House to approve of this Bill, because it places legislation in regard to wild animals on a simple, just, and intelligible basis, and respects at once the just rights of the public and of individuals; because it interferes as little as possible with existing privileges, and nothing less will give substantial relief; and, lastly, because it will be accepted as a settlement of a question which has long been a fruitful source of vexation, annoyance, and bad feeling between many landlords and tenants. I beg to move that the Bill be now read a second time.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. James Barclay.*)

MR. DUNDAS, in moving that the Bill be read a second time this day six months, said, that it was a somewhat invidious thing for any hon. Member in any way connected with Scotland to move the rejection of a Bill on the subject moved by the hon. Member for Forfarshire (*Mr. Barclay*). The hon. Member was an able and worthy advocate of the interests of the farmers of Scotland in that House. As they were men superior in their knowledge of agriculture and in the possession of intelligence to

the corresponding class in any other country, he fully admitted the responsibility of rejecting the measure—the more so, as there could be no doubt that the farmers had some real grievance on the subject. For his own part he (Mr. Dundas) had no sympathy with landlords who allowed ground game to increase to such an extent as to be vexatious to the farmer and injurious to the cultivation of land, and he believed, that to a great extent, landlords who did so had brought about the agitation that had given some trouble on this subject. The hon. Member for Forfarshire had said that the interests of the farmers and of the public were identical; but he (Mr. Dundas) thought he should be able to point out some details in which the Bill fell short of what was equitable to the owners and in some respects of what would be advantageous to the interests of the public. The main provisions of the Bill were to abolish the Game Laws entirely, and for all time. It would also abolish the law of trespass in pursuit of game, and licences to sell game. It would give the tenant an inalienable right to kill game and wild animals on land in his occupation, and would also abolish all existing contracts from 1877. Speaking in no unfriendly spirit to the farmer, he regretted that a Bill which might, with some alterations, be a good one as regarded the interests of the farmers, should be encumbered by other provisions which seemed to be inequitable, and could not fail to excite opposition in the House. Taking first the question of interference with contract, although opposed to all avoidable interference with contract, he thought that no inflexible rule could be laid down. The Legislature had sanctioned interference with contract in many cases, and each case ought to be argued on its own merits. The injury by hares and rabbits was so great, and the assessment of damages so difficult, and the process of suing a landlord for compensation so distasteful, that he thought the modified interference with contract proposed by the Bill, to the extent of giving tenants a right to kill hares and rabbits only, was not very objectionable, and he would not have moved the rejection of the Bill on account of that provision. One proviso, however, appeared to have been omitted by the hon. Member—namely, that tenants who had now by

Mr. Dundas

law a right to claim compensation for damages caused by an increase of game during their tenancy should cease to have that claim, if under the Bill they got an inalienable right to destroy hares and rabbits. Again, the 5th clause rendered the Bill applicable to existing contracts after the 1st of January, 1877, a principle to which he thought the House would never assent. It would practically amount to forcibly handing over, from one person to another, of money's worth without compensation. Moreover, it had always been said that if the Game Laws were abolished it would be necessary to have a stringent law of trespass; but under the Bill, the penalty imposed for the first offence was 10s., including costs, and the value of the animals killed or found on the trespasser. It was not provided that the animals killed should be forfeited, and, therefore, a professed poacher might have a day's sport among the grouse or partridges, and sell the birds he had killed, for a fine not exceeding 10s., including costs. Thus, as the costs would in many cases exceed that sum, the game-owner would practically be fined for bringing up an offender against the Act. Then it was said that the present Game Laws operated, as a discriminating law of trespass; but the trespass clause in the Bill, in his opinion, would operate as an indiscriminating trespass law. There was a great difference between cases of poaching. A labouring man who started a rabbit, and killed it in a moment of excitement and from love of sport, might well be treated with great leniency. The present law did recognize a difference in sporting offences which ought to be perpetuated; but the Bill under notice drew no distinction between such an offence and the offence of a man who made a trade of poaching, who went about with a gang of comrades with faces disguised, or who poached at night. The penalty proposed by the Bill was, he thought, quite insufficient to deter such persons, and a power of inflicting a severe penalty ought to be entrusted to the sheriff, who was an unprejudiced and uninterested judge, and to whose discretion he could well trust not to make a bad use of the powers entrusted to him. Regarding the Bill as it affected the interests of the public as consumers—no fence time was proposed in the Bill, but as the hon. Gentleman (Mr. Barclay) said he did

not object to a fence time being inserted in the Bill he would not press that objection. Without a fence time and with such trifling penalties as were proposed by the Bill, game would soon become as scarce in Scotland as it was in many foreign countries. He would not allude to the importance of game as an article of food; but he might refer to the Report of the Committee on the subject, in the Appendix to which it was stated that almost every country in Europe and every State in America had a close time for game birds and also attached heavier penalties to poaching than those suggested by the Bill. In 1872, Parliament passed an Act for the protection of Wild Birds, which the present Bill would virtually repeal, and on that subject he might refer to a telegram from its Paris Correspondent which appeared in *The Times* relating to wild birds in Germany, and stating that at Halle, during the late severe weather, a society had been formed for feeding them three times a day, in the belief that whatever loss they inflicted on the cultivator was repaid to him a hundred-fold in the destruction they wrought among insects. He did not know whether the Scotch farmers had anything to learn from their German brethren, but there was no doubt that wild birds did good by destroying the insects which injured the crops. He thought the House would not consent to the repeal of that Act; and *a fortiori* he did not think Parliament would sanction a Bill for repealing laws protecting birds which did no injury to crops, and which were very valuable as articles of food. In conclusion, he begged to thank the House for the indulgence they had extended to him, and to say he thought the Bill, for the reasons he had given ought not to be accepted unless very considerable alterations were made in its provisions; and he would therefore move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Dundas.*)

MR. M'LAGAN: I agree with the hon. Member for Forfarshire (Mr. J. W. Barclay) in much that he has spoken, and approve of many of his views, and deprecate as strongly as he does the game clauses in the leases he has read to the House. When I first introduced

this question of the Game Laws to the House, I referred to similar clauses, and stated that the existence of such clauses was one of the reasons why I had taken up this question. But I think that my hon. Friend has weakened his case by mentioning that these clauses are exhibited to the intending offerers for a farm before they have ever inspected the farm. If such is the case, there is the less excuse for the tenant, for he then enters into his lease and takes his farm with his eyes open, and there is no excuse for an intelligent man committing himself to an agreement of that character. If we may judge from the Preamble of the Bill, the object of it is to reduce the numbers of certain species of wild animals, and by so doing, diminish the temptation to breaches of law, encourage the cultivation of land, and otherwise conduce to the public welfare. In this object I agree with the promoters of the Bill. No reasonable person now denies that the preservation of game is carried to excess in some places, and that the evils from this excessive preservation are great, resulting often in breaches of the law and in murder, in retarding the improvement and proper cultivation of the soil, and in the demoralization of the population. Many proprietors have admitted these evils, and more particularly the destruction of the crops by ground game, and have allowed the tenants to destroy these animals. But, notwithstanding this liberty to the tenants, there are still great complaints of the damage done by hares and rabbits; for the simple reason, that the action and liberty of the tenants are too often interfered with by the too rigorous preservation of the winged game. Will the Bill accomplish the object that it aims at? It repeals almost all the Acts relating to game; but it still gives an adventitious value to certain wild animals which it designates game by a special provision in their favour, and thus it retains the temptation to breaches of the law referred to in the Preamble. It imposes a penalty for going in pursuit of all wild animals, instead of the dozen or score mentioned in the present Game Acts, and thus the Bill is an extension of these Acts. And with a strange inconsistency, forgetfulness, or neglect—call it which you like—while the promoters of the Bill profess to protect all wild animals, and specially those wild

the corresponding class in any other country, he fully admitted the responsibility of rejecting the measure—the more so, as there could be no doubt that the farmers had some real grievance on the subject. For his own part he (Mr. Dundas) had no sympathy with landlords who allowed ground game to increase to such an extent as to be vexatious to the farmer and injurious to the cultivation of land, and he believed, that to a great extent, landlords who did so had brought about the agitation that had given some trouble on this subject. The hon. Member for Forfarshire had said that the interests of the farmers and of the public were identical; but he (Mr. Dundas) thought he should be able to point out some details in which the Bill fell short of what was equitable to the owners and in some respects of what would be advantageous to the interests of the public. The main provisions of the Bill were to abolish the Game Laws entirely, and for all time. It would also abolish the law of trespass in pursuit of game, and licences to sell game. It would give the tenant an inalienable right to kill game and wild animals on land in his occupation, and would also abolish all existing contracts from 1877. Speaking in no unfriendly spirit to the farmer, he regretted that a Bill which might, with some alterations, be a good one as regarded the interests of the farmers, should be encumbered by other provisions which seemed to be inequitable, and could not fail to excite opposition in the House. Taking first the question of interference with contract, although opposed to all avoidable interference with contract, he thought that no inflexible rule could be laid down. The Legislature had sanctioned interference with contract in many cases, and each case ought to be argued on its own merits. The injury by hares and rabbits was so great, and the assessment of damages so difficult, and the process of suing a landlord for compensation so distasteful, that he thought the modified interference with contract proposed by the Bill, to the extent of giving tenants a right to kill hares and rabbits only, was not very objectionable, and he would not have moved the rejection of the Bill on account of that provision. One proviso, however, appeared to have been omitted by the hon. Member—namely, that tenants who had now by

Mr. Dundas

law a right to claim compensation for damages caused by an increase of game during their tenancy should cease to have that claim, if under the Bill they got an inalienable right to destroy hares and rabbits. Again, the 5th clause rendered the Bill applicable to existing contracts after the 1st of January, 1877, a principle to which he thought the House would never assent. It would practically amount to forcibly handing over, from one person to another, of money's worth without compensation. Moreover, it had always been said that if the Game Laws were abolished it would be necessary to have a stringent law of trespass; but under the Bill, the penalty imposed for the first offence was 10s., including costs, and the value of the animals killed or found on the trespasser. It was not provided that the animals killed should be forfeited, and, therefore, a professed poacher might have a day's sport among the grouse or partridges, and sell the birds he had killed, for a fine not exceeding 10s., including costs. Thus, as the costs would in many cases exceed that sum, the game-owner would practically be fined for bringing up an offender against the Act. Then it was said that the present Game Laws operated, as a discriminating law of trespass; but the trespass clause in the Bill, in his opinion, would operate as an indiscriminating trespass law. There was a great difference between cases of poaching. A labouring man who started a rabbit, and killed it in a moment of excitement and from love of sport, might well be treated with great leniency. The present law did recognize a difference in sporting offences which ought to be perpetuated; but the Bill under notice drew no distinction between such an offence and the offence of a man who made a trade of poaching, who went about with a gang of comrades with faces disguised, or who poached at night. The penalty proposed by the Bill was, he thought, quite insufficient to deter such persons, and a power of inflicting a severe penalty ought to be entrusted to the sheriff, who was an unprejudiced and uninterested judge, and to whose discretion he could well trust not to make a bad use of the powers entrusted to him. Regarding the Bill as it affected the interests of the public as consumers—no fence time was proposed in the Bill, but as the hon. Gentleman (Mr. Barclay) said he did

not object to a fence time being inserted in the Bill he would not press that objection. Without a fence time and with such trifling penalties as were proposed by the Bill, game would soon become as scarce in Scotland as it was in many foreign countries. He would not allude to the importance of game as an article of food; but he might refer to the Report of the Committee on the subject, in the Appendix to which it was stated that almost every country in Europe and every State in America had a close time for game birds and also attached heavier penalties to poaching than those suggested by the Bill. In 1872, Parliament passed an Act for the protection of Wild Birds, which the present Bill would virtually repeal, and on that subject he might refer to a telegram from its Paris Correspondent which appeared in *The Times* relating to wild birds in Germany, and stating that at Halle, during the late severe weather, a society had been formed for feeding them three times a day, in the belief that whatever loss they inflicted on the cultivator was repaid to him a hundred-fold in the destruction they wrought among insects. He did not know whether the Scotch farmers had anything to learn from their German brethren, but there was no doubt that wild birds did good by destroying the insects which injured the crops. He thought the House would not consent to the repeal of that Act; and *a fortiori* he did not think Parliament would sanction a Bill for repealing laws protecting birds which did no injury to crops, and which were very valuable as articles of food. In conclusion, he begged to thank the House for the indulgence they had extended to him, and to say he thought the Bill, for the reasons he had given ought not to be accepted unless very considerable alterations were made in its provisions; and he would therefore move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Dundas.*)

MR. M'LAGAN: I agree with the hon. Member for Forfarshire (Mr. J. W. Barclay) in much that he has spoken, and approve of many of his views, and deprecate as strongly as he does the game clauses in the leases he has read to the House. When I first introduced

this question of the Game Laws to the House, I referred to similar clauses, and stated that the existence of such clauses was one of the reasons why I had taken up this question. But I think that my hon. Friend has weakened his case by mentioning that these clauses are exhibited to the intending offerers for a farm before they have ever inspected the farm. If such is the case, there is the less excuse for the tenant, for he then enters into his lease and takes his farm with his eyes open, and there is no excuse for an intelligent man committing himself to an agreement of that character. If we may judge from the Preamble of the Bill, the object of it is to reduce the numbers of certain species of wild animals, and by so doing, diminish the temptation to breaches of law, encourage the cultivation of land, and otherwise conduce to the public welfare. In this object I agree with the promoters of the Bill. No reasonable person now denies that the preservation of game is carried to excess in some places, and that the evils from this excessive preservation are great, resulting often in breaches of the law and in murder, in retarding the improvement and proper cultivation of the soil, and in the demoralization of the population. Many proprietors have admitted these evils, and more particularly the destruction of the crops by ground game, and have allowed the tenants to destroy these animals. But, notwithstanding this liberty to the tenants, there are still great complaints of the damage done by hares and rabbits; for the simple reason, that the action and liberty of the tenants are too often interfered with by the too rigorous preservation of the winged game. Will the Bill accomplish the object that it aims at? It repeals almost all the Acts relating to game; but it still gives an adventitious value to certain wild animals which it designates game by a special provision in their favour, and thus it retains the temptation to breaches of the law referred to in the Preamble. It imposes a penalty for going in pursuit of all wild animals, instead of the dozen or score mentioned in the present Game Acts, and thus the Bill is an extension of these Acts. And with a strange inconsistency, forgetfulness, or neglect—call it which you like—while the promoters of the Bill profess to protect all wild animals, and specially those wild

birds mentioned as game in it, there is the omission of a provision in it which would through time lead to the extirpation of all the game. There is no prohibition from killing the game or any wild birds during the close season, nor is there any penalty or restriction whatever for taking their eggs. This taking or stealing of the eggs of wild birds is one of the most common causes of trespass on the lands of farmers, and one of the most effectual ways of exterminating the birds. I approve generally of the proposals in the Bill to mitigate the penalties for trespassing in pursuit of game, and to substitute fines for imprisonment; but I think that, in certain cases, the Judge should have the option of imposing a fine, or of sentencing the trespasser to imprisonment. There is, for instance, a great distinction between one man found trespassing by himself in pursuit of game in the daytime, and another proved to be one of a gang who went out armed at night with the object of killing game, and determined to offer every resistance—yea, even to commit murder—rather than not to accomplish their object. There can be no doubt that under this Bill such offences would be committed as they are now, and provision ought to be made in the Bill for the punishment of the offenders. The 8th clause does not meet the case to which I refer. It applies to a case of actual assault by a trespasser. I would extend the provisions of that clause to the case of one of three or more persons who were found guilty of trespassing in pursuit of game, even though they may not have committed an assault, but may have intended to intimidate or menace by their numbers. I come now to the novel and peculiar principle of the Bill as contained in the 5th clause, which proposes to restrict the tenant in making new contracts, and to prohibit him from carrying out those he has already made. The clause further vests the right of pursuing, taking, or killing all wild animals in the tenants, and allows him to assign over that right to the landlord as regards 14 species of wild birds which are called game. The landlord, however, is still to have the right of pursuing and killing all wild animals, as he has at present on the land occupied by the tenants. In other words, the landlord, in letting his farm, may reserve the winged game to himself, but can only

Mr. M'Lagan

have the joint right with the tenant in killing the hares and rabbits. I think that the House will recognize here an old friend with a new face and a new name. Mr. Loch, who represented the Wick Burghs in the last Parliament, introduced a similar Bill, giving the right in the winged game to the landlord, and the joint right in the hares and rabbits to the landlord and tenant, and making that right in the tenant inalienable. But Mr. Loch foresaw that the consequence of passing such a Bill might be to make two game preservers instead of one, and thus the ground game would be increased to such an extent as to be a perfect nuisance to neighbours, and he therefore provided for such consequences by proposing that a game preserver was to be liable for damage done to a neighbour's property by the hares and rabbits preserved by him. The proposers of this Bill have not foreseen the consequences of their Bill, and therefore they could not be expected to provide for them, and in this respect the Bill is defective. I said that the principle enunciated in this and the next clause was novel, for it is the first time, I believe, that the Legislature has been asked to pass an Act for the preservation of rats or other pests of the farm. It is provided that any one committing trespass by entering or being on any land with any dog or ferret, in search or pursuit of any wild animals, which, of course, includes a rat, shall pay a penalty of 10s., together with the value of the rat killed or found upon him. Surely the hon. Member is not in earnest in asking the House to give its assent to such a provision. I am not one of those who object to an interference with the rights of property, or one of those rights—namely, the right of free contract—where it is found necessary for the public welfare to do so; but we should be quite sure that in proposing such exceptional legislation, the public good will be promoted by it, or the object desired may not be accomplished otherwise. Now, I question much if the public good will be promoted by such legislation in the present instance; I am of opinion that the reverse would be the case. I believe that if this Bill were passed into law, there would be a persistent evasion of this clause. There is no penalty to be inflicted on the tenant for divesting himself of his right in the wild animals;

nor in doing so would he be regarded as having done what is morally wrong, or as compromising himself socially. All the risk which the landlord would run would be that he would have no recourse at law in enforcing his agreement with a dishonest tenant who would take advantage of the position which the law gave him. In England, where the tenants generally hold their farms on a six months' notice to quit, the landlord would be sufficiently protected against such conduct on the part of the tenant; and, in Scotland, the landlord would easily protect himself by clauses in the lease, which might be most prejudicial to the tenant if enforced, and which it would be understood would only be enforced if the tenant would resile from any agreements about hares and rabbits which he may have made with the landlord. And thus the clause would be quite inoperative, and would be another instance of the uselessness of the Legislature interfering with the free contract between man and man. I know of cases where the tenants had permission to destroy the rabbits, and, after attempting to reduce their numbers, requested the landlords to relieve them of the privilege; and a Perthshire farmer stated to the Committee on the Game Laws last year, that though he had full liberty to destroy the rabbits on his farm, he feared that by so doing he would offend his landlord, and preferred leaving his farm to exercising the privilege. There is nothing in the Bill to prevent similar cases occurring again. But a provision which could be thus evaded or treated as a dead letter would be more than useless—it would be vicious and demoralizing in its tendency. For the evasion of any Act of Parliament where no great principle is involved, which is merely disobedience to the commands of the Legislature, knowingly persisted in, tends to deaden the sense of right and wrong in the people, to bring the authority of the ruling powers into discredit, and to lead to insubordination and the committing of greater faults and crimes. I believe, for these reasons, that the passing of such a provision would not be for the public good. It is true that we have had this exceptional legislation before—namely, the interference with the making of contracts; but it was based principally on the disparity of the sexes, or of the ages

of the contracting parties, or, in other words, we have had to legislate for the benefit of women and children, because they were not in a position to contract for themselves, and we are now asked to put tenant-farmers on the same level as women and children. I feel convinced that the farmers of England and Scotland do not wish to be placed in such a position, if I may judge from the vigorous protest which one of them made publicly the other day. He protested indignantly against any legislation founded on the idea that the tenants of England were incapable of making an agreement. It is said they are incapable of making an agreement, as they do not contract on equal terms with the landlords. If the laws of the country gave the landlords an undue advantage over the tenants in making their contracts, let such laws be amended or repealed; let the landlords be levelled down to the tenants, and not the tenants levelled up to the landlords, thus creating an exclusive land class whose interests will be controlled by exceptional laws different from those which affect the interests of the other classes of the community. If, again, the landlord possesses an undue advantage over the tenant in making a contract from the natural law of supply and demand, we shall legislate in vain to effect a remedy. It should not be forgot that before a tenant is invested with this inalienable right in the ground game, he has shown himself quite capable of making an agreement by entering into his lease, which involved an outlay of thousands of pounds of his money, and of the annual payment of hundreds of pounds of rent; and are we to suppose after that he cannot make an agreement about hares and rabbits? I regret that I should have to oppose any Bill which attempts to settle this vexed question of the Game Laws. Nor would I have withheld my support from some provisions of this Bill had they not been connected with what is considered an important principle of the Bill, which, if approved of at this time, might with equal propriety be applied to the commercial relations of landlord and tenant generally.

MR. M'COMBIE: Although my feelings carry me further, yet I have much pleasure in supporting this Bill. The obnoxious Game Laws have been and are kept up to foster the pride and osten-

tation of the rich, and have been the means of creating the dreadful heart-burnings that exist between landlord and tenant on game-preserved estates. It is a grievance that is intolerable. I will yield to no other hon. Member in this House in the respect I bear to many landlords in Scotland, who would rather lose their right hand than do an injustice to their tenants by eating up their crops with hares or rabbits; but who can respect another class who tyrannize over and oppress their tenantry? I am sent to this House almost exclusively by the tenant-farmers of a great county to speak for them; but when I dare say a word in their behalf, it would be difficult to enumerate around how many dining tables I am stigmatized as the most impudent, the most impertinent, and the most dangerous fellow that has ever appeared, setting class against class, and that many a better man has been—well, I am afraid to say what. Partial laws have been the means of setting class against class, and who can deny that the Game Laws are partial laws? My constituents have also been stigmatized as disgracing themselves by sending such a fellow of their own class to represent them; but they proved at the last Election their utter contempt for such animadversions; neither shall such animadversions deter me from doing what I believe to be my duty in the high and responsible situation in which I am placed by the electors of my native county. In corroboration of the justness of the opinions I hold and am now expressing, I will quote the words of one whose voice, though “now silent, yet speaketh;” and whose words will carry weight even in this House—of one whose memory is embalmed in the hearts of the tenant-farmers as the most popular landlord of Scotland in my day—the late Duke of Richmond. A few years before his death he stated at a cattle show dinner at Drumin—“That before he would treat his tenants as some proprietors treated theirs, or advertise his farms, he would rather go and break stones on the road.” His Grace did not make rash assertions. I would ask those proprietors who may feel that his Grace’s language is applicable to them, to weigh well those immortal words, and ask themselves how they have treated their tenants, and how they have treated the poor, the honest cottars? In my native parish, the good

old proprietor having gone to his rest, another landlord succeeded, who has turned out almost every man, woman, and child. Innumerable are the poor creatures he has sent adrift; not one, scarcely, has he left behind. After having spent long lifetimes in the reclamation of barren moors and built houses thereon, they are turned out in their old age with their families, and without one shilling of recompense, with nothing but the cheerless prospect of the poor-house staring them in the face. Will it surprise you, Sir, that the farmers demand tenant-right, or will it surprise you that the late Duke of Richmond could not repress his feelings of indignation at such heartless, wicked, mean, and dishonourable conduct, and that he would rather go and break stones on the road than act so towards his tenantry? I trust that this House will pass such laws as will remedy the grievances complained of, and thus show game-preserving proprietors that the world was not made altogether for them, but for the good of the whole community. I beg to support the Bill.

MR. GOLDNEY, in opposing the second reading of the Bill, said, that perhaps it was not quite plain why he should take part in a debate on Scotch Game Laws. He did not profess to know very much about them; but he was clear on one point, and that was, that of all the parties likely to be injured by the passing of the Bill, the tenant would be injured in a variety of ways. Without entering into the general subject of game, he wished to look at the Bill as presented to the House. It professed, in the first instance, to do away with all laws relating to the preservation of game, and it gave in return the most meagre protection that any tenant or landlord, or any person residing in a neighbourhood where game was preserved, could possibly have. Having repealed, or professed to repeal, all the laws relative to poaching and trespass, it limited trespass simply to a trespass in pursuit of wild animals. The construction of the Bill meant a roving right to everybody to go over lands for the purpose of destroying or taking game. In endeavouring to protect the tenant, they would deprive him of the right the law at present gave him with regard to trespassers. He could say—“You have done away with all existing

statutes on the question, and the whole community, if they choose, can come and walk over my land." The trespasser could say—"I am not here for the purpose of pursuing wild animals, but to pursue pheasants or grouse, and you have no right to stop me." That was, he contended, the only inference from the law as the Bill was drawn up. They were getting rid of all existing powers of punishment, and giving a latitude to the general community to go over the land of the occupier. In his opinion, the matter required large and careful treatment, and ought not to be dealt with in that indiscriminate manner. But further, in attempting the restraint of contract, the Bill merely restrained the contract between the landlord and tenant. If the law of trespass, as the hon. Member for Linlithgowshire (Mr. M'Lagan) said, was limited simply to the place where it was committed, a man might not only go to the immediate locality, but he would be invited to come. He thought the Bill ought not really to be read a second time. In preventing bands of men going abroad armed, they were preventing not only injury to property, but the destruction of life.

MR. FORDYCE, in reference to the criticisms passed upon the Bill, inquired how it was that so many of the tenant-farmers of Scotland were favourable to the Bill? They were, it was well known, very shrewd men, and they knew very well their own business; and he thought that the fact that they supported the measure, showed that it would not do them the injury the last speaker (Mr. Goldney) supposed. He begged to support the Bill, because he believed it would prevent further game grievances in Scotland. He thought such was the end which both sides of the House had in view. The Bill was an ingenious combination of two Bills which had been some time before the House—the Bill of the hon. Member for Linlithgowshire (Mr. M'Lagan), and the Bill of the late Member for Wick (Mr. Loch). It proceeded on the assumption that game breeders were those on arable land. He found that out of 3,817 farmers who gave in a return, no fewer than 3,202, representing 350,000 acres of arable land, attributed their grievance entirely to ground game. The Bill would give liberty to the tenant to destroy ground game. It had been said that if the Bill

was carried, it would be inoperative; but as a large landed proprietor, he could thoroughly say that it would be practically impossible to evade its operation—and he believed, further, that no practical landlord could afford to evade it. While he gave a cordial and general support to the Bill, he must say there were some provisions which he should like to see abolished. He thought, for instance, it was a great mistake to think if the Game Laws were abolished or modified, it would be necessary to have a stringent trespass law. If the Game Laws were abolished, no more would be heard of trespass, for they created trespass by making the occasion or opportunity. One great objection to the Bill had been its proposed interference with contract; but it was worthy of remark that the only alternative scheme—namely, that of the hon. Member for Linlithgowshire—interfered quite as much with contract. There were two ways in which they could interfere with contract. They could in express terms render the making of it null and void, or they could allow it to be made, and take away all legal means of enforcing it—which was what was practically done by the Bill of the hon. Member for Linlithgowshire. He trusted, in conclusion, that if the Government opposed the Bill, they would, at least, promise some redress to the tenant-farmers who had suffered so long, and endeavour to bring in a Bill of their own, so that the Session might not be altogether barren, as regarded Scotch legislation.

SIR JAMES ELPHINSTONE said, the Bill of the hon. Member sought to do something which was beyond even the power of the House of Commons—inasmuch as it proposed to turn birds into beasts. But his reason for rising was to give the most unqualified contradiction to the aspersions which had been cast by the hon. Member for West Aberdeenshire (Mr. M'Combie) on the land-owners of the county he represented. His hon. Friend had a neighbour with whom it was understood he was on very bad terms. That gentleman, in the exercise of his undoubted right, exposed some of his farms to public competition, and changed a good many of his tenants. He was not further acquainted with the circumstances of the case; but at every public meeting that his hon. Friend attended, the vials of his wrath were

poured out upon the proprietors of Aberdeenshire, because his neighbour had evicted his tenants, and in some other inscrutable manner offended him. He (Sir James Elphinstone) was an owner, as his ancestors had been, of property in Aberdeenshire; but he did not know that on his own estate, or the estates of his neighbours, any tenant who wished to remain on his farm, and who offered at the termination of his lease a reasonable rent, was not allowed to do so. As regarded his own property, the tenants remained there as long as they pleased, and no man had been evicted; in fact, he had tenants whose ancestors had been settled on their holdings for more than three centuries. They had an absolute fixity of tenure, in so far as the farmers were men of good character and of sufficient means. Farms were continued to families, and at the same time the greatest forbearance was shown to the widows and children of those persons who died during the currency of the leases. As the question had drifted into the matter of land tenure, he wished to say that whenever the Game Laws were discussed, that was the direction in which the discussion drifted. The custom in Aberdeenshire had always been to have rules and regulations in reference to every property, and they were just as well known as the laws of the country. With regard to the late Duke of Richmond, there was no friend in the world that he respected or admired more than him, and it was perfectly true that he did what he found was the custom of the country. There was no estate in Scotland that was managed better than the Duke of Richmond's; but the tenant-farmers in some parts would not take the game if it was offered to them. ["Oh, oh!"] Why, he could give an instance of a large estate where the game was offered to the tenants at 2½ per cent of their rents, but they would not take it. He did not wish to interfere with the discussion of the question, but he simply rose to vindicate himself and his neighbours from the aspersions thrown at them by the hon. Gentleman.

GENERAL SIR GEORGE BALFOUR, in supporting the Bill, said, that he regretted the hon. Baronet had made reflections on his hon. Friend the Member for West Aberdeenshire (Mr. M'Combie). There was no one in the House who deserved so well of all

tenant-farmers than his hon. Friend, and from the fact of himself and his hon. Friend having been chosen to represent their respective counties, it was clear that the tenant-farmers of Scotland were not satisfied with the relations which now subsisted between them and their landlords with respect to game, and he therefore, for one, was anxious to see that cause of vexation removed. As to the Bill, he felt that, so far from being sufficient to meet the case, it fell greatly short of that which was required and what would eventually meet with the approval of the House. He therefore hoped the Conservative Members would join in carrying the Bill through the House. It was far short of what the First Lord of the Admiralty, who was Chairman of the Select Committee on Game, would, in his opinion, have introduced for modifying the Game Laws, and he hoped that such a Bill might be brought forward by the Government. With regard to many of the clauses of the Bill, he believed several changes could be made in Committee, and if the House would allow it to pass into Committee, some modifications might be made which would make it a reasonable Bill. He therefore gave the Bill his cordial support, in the full expectation that they would be able to make desirable changes. If they did so, it might answer for a short time, until a total reform in the laws relating to game was effected.

SIR HENRY SELWIN-IBBETSON, in reference to the remark of the hon. Member for Forfarshire (Mr. J. W. Barclay), that the Home Secretary last year declared it to be his opinion that any legislation on the subject of the Game Laws ought to be so drawn up as to be a final settlement of the question, said, he was perfectly prepared to adhere to that statement, but he hardly thought the House would believe that the Bill now before them fulfilled those conditions. The fact was, as was evident from what had already passed in the discussion, there was a great diversity of feeling with respect to the Bill among Scotch Members. They had heard the hon. Member for Linlithgowshire (Mr. M'Lagan), who for a very long time had studied the question, take the Bill to pieces in a way which left him and those who opposed it but very little to say. If there was that diversity of

Sir James Elphinstone

opinion among Scotch Members, how were they to imagine for a moment that it would satisfy the people of Scotland generally? If they went further, and remembered that there was an hon. Member who yearly had a Bill upon the Table for the total abolition of the Game Laws, it seemed to him that here again arose a difficulty, as those who supported this Bill would not agree in dealing with the question in the manner proposed by the hon. Member for Forfarshire. Although the hon. Member had swept from the Statute Book every enactment which touched wild animals of every description, still he proceeded to set up a kind of *quasi* new Game Bill, inasmuch as he asked them to establish a new trespass law for a certain class of wild animals. Anyone who read the Bill carefully must see that it was a trespass law which applied to wild animals exclusively. [Mr. J. W. BARCLAY: Wild animals includes game.] He contended that the hon. Member had swept away every penalty which now existed for killing game, and had set up under the Bill, as he read it, game as a distinct class of wild animals. Then the hon. Member proposed to enact a new trespass law for those who went in pursuit, not of game, but of wild animals; and if that proposition were true it struck at once a deadly blow at the Bill. He believed that the tenant-farmers throughout the country were generally opposed to the entire abolition of the Game Laws, unless proper steps were taken to protect their lands from the depredations of the people; and he had no hesitation in saying that nothing was so likely to produce a vast increase in trespassing upon farmers' fields as provisions such as were contained in this Bill, which would remove persons so trespassing in search of game from the penalties of the law. The clauses of the Bill, moreover, showed, in his opinion, that the hon. Member had not carefully considered the evidence which influenced the Committee which during two Sessions very carefully inquired into the subject. The hon. Member would sweep away the dangerous offence of night poaching, which was the introduction of all kinds of depredations, and would enact that a fine for the first offence amounting to 10s., and that amount covering costs, should alone be imposed. That, he contended, was wholly inadequate to meet the offence, and by that provision,

the hon. Member would place in the same category the man with whom many people had sympathy, the man who was accidentally and by love of sport led into an act of poaching by day, and the man who made a profession of poaching, and determined to carry it out at night, at whatever risk against the rest of the community. Again, the hon. Member would do away with the close season in regard to various kinds of game, whilst the evidence which had been laid before the Committee clearly showed that certain supplies of game were almost necessary. It was true that people might object to over-preserving; but whilst in Germany they had been obliged to pass a law to restrict the killing of small birds, in other parts of the Continent where Game Laws were abolished after the disturbance of 1848, they had been re-enacted with even greater severity, because the food supplies of the people had been found to be seriously diminished. In Belgium, indeed, the abolition was declared to be intolerable and most prejudicial to the husbandman, whose crops were trodden underfoot by poachers. The diminution of food supply was a consideration which the House could not overlook, and with the cases of Prussia and Belgium before them, he hoped they would adopt no such extreme course as that which was suggested. It should also not be forgotten that the large towns in our own manufacturing districts relied largely for their food on that little animal which was the *bête noire* of some hon. Gentlemen in that House, so that Parliament ought, he contended, to hesitate before it gave its assent to the repeal of the Game Laws. But he did not wish to be understood as giving his approval in any way to many of the practices that had been described to the House that day. The leases drawn in the form that had been quoted, constituted, he believed, the great exceptions to the general rule. He said that those leases ought to be held up to the reprobation of the country generally; but then he said also that for the sake of remedying a few grievances scattered here and there over the country, they should be very careful before they made up their minds to interfere with the laws of contract, which, he maintained, formed the best part of the history of the relations between landlords and tenants. If the Bill

should become law, he very much doubted whether it would have the effect which the hon. Member who had charge of it supposed it would have. No one could shut their eyes to the fact that land in Scotland, especially land that was productive of game of any sort, had increased immensely in value during the last few years. No one could deny that the Scotland of to-day was very different from the Scotland of 50 years ago, and there was evidence before them that the rentals taken for shooting in that country had improved the districts in which that shooting was, by reason of the very large amount of expenditure incurred, not only in the making of roads, but in the improvement of the dwellings of the people who lived there. With the knowledge which landlords had of the large rentals they were able to get for their shooting, and it being just possible that the tenants would not be able to offer them so large an increase in the rent for agricultural purposes as would be an equivalent for the rentals the landlords at present received for shooting, he rather thought that the tenants would find by degrees that the sheep were either taken off the land for deer-forest purposes, or that rents were asked for lands including the shooting which they would not be able to meet in years when crime, disease, and other evils happened to visit the country. The farmer who should take a shooting at a rent which must be very much larger than his agricultural rental would, he believed, undertake a property that would be of a very speculative character. He believed that in years like the last two, he would find that whilst he was bound by his lease to pay a very high rent for his land because he had acquired the shooting, what he received from the letting of it would be comparatively very small. These were points which the farmers of Scotland had to consider in regard to any Game Bill that might be enacted. He might fairly say that he, for one, had never been amongst the bitter opponents of an alteration of the Game Laws; but he maintained that any Bill passed through that House dealing with the question should be a Bill which should deal with the whole country generally, which should assimilate as much as possible the history of the Game Laws in Scotland and England, which should

at the same time respect the law of contract, and which should respect as far as possible the good relations which happily at present existed in most cases between landlord and tenant.

MR. SHAW-LEFEVRE said, that although the discussion had been sustained principally by Scotch Members, yet he hoped he might be permitted to say a few words. Various objections had been urged against the Bill, with some of which he concurred. Then the hon. Gentleman who had just spoken had pointed out that the trespass clauses of the Bill applied to wild animals, but not to game. He (Mr. Shaw-Lefevre) was quite certain that that could not be the intention of his hon. Friend who had charge of the Bill. A further objection to the Bill was that it included a number of wild animals in the trespass law which were not now included in it. For his part, he did not see any good reason for that. He thought that the Bill as now drawn would make fox-hunting a penal offence. Now, he did not believe that the farmers, as a rule, made any objection to fox-hunting, and it would be a mistake to raise that question. Putting aside these objections to the Bill, he assumed that its main principle was the exclusion of hares and rabbits from the Game Laws, and to that principle he should give his support. He had no doubt a great deal would be said in Committee on the Bill, about interfering with the freedom of contract. They should, however, recollect that but for the penal Game Laws, this property in game would not have any existence whatever. Therefore, if there was no other way of securing to the tenant the enjoyment of the hares and rabbits upon his land, he saw no reason why they should not interfere with the freedom of contract, at least, to that extent. He had always been opposed to those who advocated the entire abolition of the Game Laws, on the ground that if they did so Parliament would be compelled very shortly after either to re-enact those laws, or else to pass a general trespass law. For his part, he must strongly object to a general trespass law. He thought that any attempt to make general trespass a penal matter in this country would be attended with very great inconvenience, which would probably give rise to complaints and to injustice of a very aggra-

Sir Henry Selwin-Ibbetson

vated character, and he was quite satisfied that it would not be safe to entrust the administration of such a law to an unpaid magistracy. Although, however, opposed to the abolition of the Game Laws, he thought there was much to be complained of with respect to them. Nobody who had read the evidence given before the Committee over which his right hon. Friend opposite (Mr. Hunt) had presided, could fail to come to the conclusion that there was a considerable grievance suffered under those laws. That grievance arose mainly from the over-preservation of hares and rabbits at the present time. What, therefore, the House should aim at achieving was the reserving of hares and rabbits to the tenants, and although there were many faults in the Bill, yet understanding that to be the object which his hon. Friend had mainly in view, he should give his vote for the second reading.

Mr. STORER said, he could assure Scotch Members that English agriculturists sympathized in many cases with their Scotch brethren, who were suffering from the great evil of over-preservation of game. At the same time, he could not admit that the Bill contained the necessary provision for putting an end to that evil. He quite agreed with the hon. Baronet (Sir Henry Selwin-Ibbetson) that probably the real remedy for the evil was to be found in the springing up of a better feeling between landlord and tenant. It was within his knowledge that in very many cases such a feeling had sprung up, and on some very large estates the hares and rabbits were now given over by the landlords to the tenant-farmers. He thought that should the Bill pass into law their Scotch friends might reckon on having a large company in the Highlands next summer; for he saw no reason why any person with a mere certificate and a gun should not walk from one end of Scotland to the other, destroying all the winged game that might cross his path. But that was not the only blot in the Bill. Its great blot, in his humble opinion, was that it interfered grossly with freedom of contract and the rights of property. So far as he knew anything of the feelings of the tenant-farmers of England, they were not men who would wish to assume that landlords were to have no right over the land they had purchased, or who would desire to repu-

diate any bargain which they had deliberately made. That was the great principle which would be infringed if the Bill were to become law, and he hoped the hon. Member would withdraw it.

Mr. ORR-EWING said, he was much grieved by the remarks which had been made by the hon. Gentleman the Member for West Aberdeenshire (Mr. M'Combie) as to the relations subsisting between the farmers and the landowners of Scotland. He must have intended his remarks to apply only to the county to which he belonged, for he (Mr. Orr-Ewing) could assure the House that the remarks of the hon. Gentleman were totally unapplicable to any part of Scotland with which he was acquainted. He believed the character of the Scotch landlords to be that they had at heart equally with their own interest the prosperity of their tenant-farmers. He was sure that his hon. Friend, on reflection, would take the first opportunity of making some explanation as to what he really meant to convey to the House. The hon. Member for East Aberdeenshire (Mr. Fordyce) had stated that the Bill was unanimously supported by the tenant-farmers of Scotland. He (Mr. Orr-Ewing) was not aware that the Bill had been discussed at all in the West of Scotland, and, if he was not mistaken, the Agricultural Society or club of the county represented by the hon. Member who had charge of the Bill last year opposed that very measure. If he could believe that the main principle of the Bill was to exclude hares and rabbits from the Game Laws, he should certainly not oppose the second reading—but was that its principle? On the contrary, he maintained that the main principle of the measure was to abolish the Game Laws altogether, and to substitute a trumpery trespass law. The principle of the Bill was to do away with private contract between landlords and tenant-farmers. He did not believe that the tenant-farmers of Scotland desired such a law as that, and why should they? They knew very well that if, as stated, they did not make bargains on equal terms with the landowners, there were others whom they employed who were in a less powerful position than that in which they themselves stood towards their landlords, and if they were to do away with freedom

of contract between landlord and tenant, why should they not prescribe the terms upon which the tenant-farmers should employ their labourers? Why should they not make a law saying that living, clothing, and other things which a man required had so much increased in price that the wages of a labourer should not be less than £2 a-week? Where were they to stop, if they were to do away with that self-acting principle of private contract between man and man? He was as strongly in favour of the Game Laws being dealt with, and protection being given to the tenant-farmers for injury done to them, as any supporter of the present Bill could be, but he wished to see that relief given on a sound principle. The Bill brought in by the hon. Gentleman was one, however, which he himself could hardly have expected to carry. He (Mr. Orr-Ewing) rather thought it was brought in to please the more extreme portion of the county to which he belonged, and with a view to make himself popular by holding out hopes which he knew would not be realized. He really thought that hon. Members should confine themselves to bringing forward measures of a practical nature which would not disturb the harmony that existed, and which would promote the best interests of the country, without paying any regard to the effect which they might have upon their individual popularity.

Mr. J. W. BARCLAY, in reply, said, he would detain the House only for a few minutes, and principally in explanation of some points on which a good deal of misapprehension appeared to exist. Very few hon. Members had taken exception to the principle of the Bill, which was simply this—that any arrangement between landlord and tenant regarding ground game must be of so vague and uncertain a character, that it could not possess those elements which were essential to the formation of binding contracts. It appeared to him that the 5th clause did confer upon the tenant the right to take or kill wild animals upon his land, irrespective of the landlord or any one else, and that the latter part of the clause restrained the tenant from making any contract with any person so as to alienate his right in respect to ground game. This did not apply to the landlord with greater force than to any one else. With

regard to the objection stated by the Under Secretary for the Home Department, that persons might trespass in search of game without coming under the provisions of the Bill—it did seem to him that the Bill was sufficiently clearly drawn, wild animals being defined to be wild quadrupeds and wild birds. He had not thought it necessary to put in the word “all.” The 6th clause was directed against any person trespassing in pursuit of wild animals of any kind, and that must include trespass in search of game. It did not appear to him that there could be any doubt upon the point, but if there were, the Bill could be amended in Committee. As regarded the question of compensation raised by the hon. Member for Richmond (Mr. Dundas), he understood that farmers would cease to have a claim for compensation in respect to damage done by hares and rabbits, and there was not the least necessity to make provision for that in the Bill. As to interference with existing contracts, he wished to point out that that interference was limited to contracts for the preservation of hares and rabbits, and would not affect contracts for the preservation of game as defined in the Act. If it was sound policy to interfere with contracts on the grounds he had stated, then, for the same reasons, the interference should apply to contracts in existence at the time of the passing of the Act. But that was not the reason that induced him to make the measure apply to existing contracts. There were leases on the same estate that ran out at various times, and if the Bill did not apply to existing contracts, there would soon arise a state of affairs under which the tenant of one part of an estate might have the right to destroy hares and rabbits, while the same right was denied to the tenant of another part. Such a state of things would not be satisfactory either to landlord or tenant. The hon. Member for Richmond had, he thought, rather misapprehended the penalty clause. The penalty did not include the value of the wild animals found on the poacher, the value of the animals had to be added, and the argument, therefore, that a poacher might make a profit out of the transaction, did not apply. He was surprised to hear the Under Secretary defend the Night Poaching Act because the Report of the Game Laws

Mr. Orr-Ewing

Committee, of which the hon. Gentleman was a Member, recommended a modification of the Act. This objection, however, did not touch the principle of the measure, and it was open to the House to make what Amendments it might think desirable in Committee in the way of increasing the penalty. As regarded the abolition of the Wild Birds Protection Act, and of a close time, he thought his hon. Friends had not appreciated the scope of the Bill, because owners and occupiers of land had power to prevent trespass during the whole year as regarded unauthorized persons. Therefore, if they wanted an Act making a close time it could only be directed against landlords and tenants. Now, the landlord and occupier of a farm had the right, in his view, to maintain only such birds as they thought advantageous to the land. With reference to the suggestion that the Bill would put an end to hunting, he did not see how that description of sport could be affected by it. Under the present law, hunting was illegal upon lands without the permission or authority of the proprietor of those lands; and in that respect the Bill did not make any change. He confessed that he had been considerably disappointed with the course which his hon. Friend the Member for Linlithgowshire (Mr. M'Lagan) had taken on the present occasion, and he could only say that if his hon. Friend represented the minds of the farmers of Scotland regarding this Bill, he (Mr. Barclay) must admit that he did not. The House had been treated by his hon. Friend with a somewhat elaborate essay on ethics, to which he must refuse to give his approval. His hon. Friend had hinted that the principle of the Bill was dishonest, and yet he had stated that he was prepared to accept that principle if cause could be shown. That was a principle of ethics of which he could not approve, and he must leave it with his hon. Friend. His hon. Friend had said that the Bill would apply to trespass in pursuit of rats. He (Mr. Barclay) understood that Bills in Parliament were to be regarded as practical measures. Now, the same argument would apply to the botanist gathering specimens upon land, who, upon the same principle, might be prosecuted for theft. But they knew that no such difficulty arose under the common law,

and he could not fancy any circumstances wherein the owner, or indeed the occupant of land would think it necessary, without very good and direct cause, to prosecute any person for entering on his farm in pursuit of rats. The hon. Member for Dumbartonshire (Mr. Orr-Ewing) indicated a doubt as to whether he (Mr. Barclay) believed in the remedy he proposed. On that point he would only say that, being possessed with an anxious desire to see this question settled upon moderate and reasonable grounds, and having considered the subject very fully for a good many years, he had failed to discover any better way in which that settlement might be arrived at than that which he had embodied in the Bill. He must confess he was rather disappointed on that occasion that he had not the support of the Under Secretary for the Home Department, because the Bill had embodied a principle similar to, if not so extreme, as that which the hon. Gentleman introduced in his own Bill two years ago, one clause of which provided that an occupier, under certain restrictions, should be entitled at all times to pursue, take, and kill hares and rabbits on his land, any covenant, reservation, guarantee, or agreement with the owner or any other person to the contrary effect notwithstanding. He appealed to the House whether that was not going quite as far as he proposed to do. He had said that his Bill would be approved by the farmers of England, and when he said so, he had in view the opinions repeatedly expressed by the hon. Member for South Norfolk, now a Member of the Government. As regarded the farmers of Scotland, in the East and in some districts of the West, he was satisfied his proposals would be accepted by them fully and completely as affording a satisfactory settlement of the question. When it was argued that there was an interference with freedom of contract, he need scarcely remind the House of the many cases in which Parliament had so interfered—as, for instance, in Shipping Acts, Mines Regulation Acts, Workshop Acts, Acts relating to the relations of attorneys and solicitors with their clients, Agricultural Children's Acts, and the Act of last Session, introduced by the hon. Member for Leicestershire (Mr. Pell), prohibiting contracts for the stoppage of artificers wages. He had

touched upon one or two of the misconceptions that existed in regard to the Bill, and he repeated that the measure which he now asked the House to approve of would simply have the practical effect of giving to the tenant a joint and concurrent right with the landlord in the catching and killing of hares and rabbits on the land which he occupied, and providing that he should neither divest himself of it, nor be divested of it by his landlord or any other person.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 66; Noes 178: Majority 112.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading *put off* for six months.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—[BILL 44.]

(*Sir Thomas Chambers, Mr. Morley, Mr. Burt, Mr. Macdonald.*)

SECOND READING.

Order for Second Reading read.

SIR THOMAS CHAMBERS, in moving that the Bill be now read a second time, said, that was the seventh time he had moved the second reading of the Bill, not a single line or word in which had been altered for many years past. He had never before made the Motion from that side of the House, and he might, perhaps, feel somewhat discouraged, notwithstanding the success of the measure in times past, by the circumstance that the last General Election had not only transferred power from one party to the other, but had also altered the constitution of that House very materially. Indeed, were it not that he remembered that as long as that measure had been before the House of Commons it had been repeatedly declared on both sides that it was not a party measure, he would not proceed with it. It had nothing to do with the principles of Party politics, or with the controversies which went on between two opposite branches of the Legislature. It was purely a social measure, and did not touch any of those questions on which politicians honestly enough differed widely. He, therefore, ought not to feel discouraged

on the ground that he spoke from the Speaker's left. Indeed, he did not know whether he ought not on that account to feel some encouragement, for as it was not a Party measure, and it secured considerable support from those who differed from himself and his Friends in politics, so he brought it forward at a time when a Government was in power which was pledged to introduce measures of social importance—measures in which especially the social welfare of the people was sought to be promoted. Nobody could deny that the measure before the House was for the settlement of a question exceedingly important in the interests of the people. It was said by some that religion had a controversy on this subject. He would endeavour to show that religion, as an element in the discussion was entirely eliminated. It was not a question on which the clergy or members of the Established Church stood on one side, and all other sects on the other—it was a question in which all were equally interested, whether they belonged to the Church or Dissent. He did not deny that some religious persons still thought there was a valid religious objection to marriage with a deceased wife's sister; but, speaking practically and broadly, the idea that any religious objection existed ought now to be considered absolutely settled, for two reasons—first, the most recent and profound scholarship on Oriental questions and on theology was on the side of those who advocated this change in the law, had had found expression in the most emphatic form in the last Commentary on the Bible, published under the sanction of the late Speaker. But more than that, if a question which turned on the meaning of an ancient language might be taken out of the hands of scholars, this had been so taken, and had been settled in absolute independence of that authority by this circumstance. The question was as to the meaning of a law given by inspiration to the favoured people to govern them in respect to their domestic affairs. From the very time that precept was delivered until this hour, there never had been among that people the smallest difference of opinion as to its meaning: so that his opponents had to face this difficulty—that an inspired precept given by an inspired Lawgiver in relation to a matter of adult domestic custom had

Mr. J. W. Barolay

been understood by the people in the reverse sense to which the Divine Law-giver intended. No opponent of the measure would be willing to say that inspiration had defeated its own object, so that instead of prescribing the duty in respect to marriage in such a manner that the people would understand it, the duty had been so prescribed as that it had been totally misunderstood and acted upon in the wrong sense. The question was entirely one of historical fact, and the historic aspect of this question delivered him from the necessity of arguing the religious question at all. The opponents of the Bill were thus driven to what was really their only reason for supporting the present state of the law, and that was expediency. Was it possible to exaggerate the mischief likely to arise from introducing the doctrine of expediency into the restriction adopted in the marriage law? How many classes of marriages did not many people consider inexpedient, such as the marriage of first cousins and other blood relations, of people of different religions, or languages, or nations? Was it not inexpedient to marry flagrantly out of a person's own rank in life? But who would contend that any of those grounds would justify any community in restricting the freedom of marriage? In marriage, freedom was the law; restriction could only be justified on the ground that it was contrary to the law of God. Did the Constitution of this country in its statutes, or the Church in her doctrines, lay down any grounds of expediency? Nothing of the kind; the statute law, 32 Henry VIII., c. 38, declared "All persons to be lawful that be not prohibited by God's law to marry." The marriage he sought to render valid was therefore in accordance with the statute law. In the address to the parties who came to be married, they were forewarned that if they were joined together contrary to God's law, theirs was no true marriage at all; thus affirming in the strongest terms that marriage was good in the sight of God if it was in accordance with God's law. The inference was irresistible, therefore, that marriage with a deceased wife's sister was a valid marriage. If, then, it could not be said that such a marriage was contrary to God's law, and it was considered a question in which expediency should have

no place, what was the policy of maintaining the present state of things? Perhaps, it might be said that the interests of the whole community should be consulted, and that interference could only be justified by the result. Of all the interferences with social life, those with marriage had been more productive of evil than any other social restraints whatever. The history of centuries throughout Christendom in respect to the restriction of marriages was a history of the most flagrant social corruption. Was this particular restraint in conformity with the moral sense of the community? Quite the opposite was notoriously the fact. He did not deny that many persons had a sentimental objection to marriage with a deceased wife's sister; but as regarded the moral sense of the community nothing could be more baseless than to affirm that it was not in conformity with that sense. Thousands of such marriages had been contracted in all classes of the community; and with what result? Were the parties who contracted them thought the worse of in society? No; they were not considered to have forfeited any claim to the regard of those around them. It would be easy to select names of the highest eminence in every class—including the aristocracy—who had contracted marriages of this kind without incurring the slightest stigma, except from those who entertained the sentimental objection. There never had been a question upon which a more effective mode had been taken of testing the public feeling than had been taken in respect to this Bill, and what had been the result? The number of Petitions had been very large. Considerably more than 1,500,000 individuals had signed Petitions in favour of the Bill—less than 174,000 had signed Petitions against it—208 corporations had presented 793 Petitions in favour of the Bill, and these corporations were representative bodies, constituted with absolute freedom of franchise. He would admit that it was possible to get up Petitions on any subject; but he thought it a difficult matter when such subject went against the moral sense of the community. He would also say that it was as easy to get up Petitions against as for, and would hint that there existed a Marriage Protection Society, who could have made an effort, if they had chosen, equally as well as

the Marriage Reform Society, but whether with the same effect, remained to be seen. Take Scotland, which the friends of the Bill used to consider against them. In early days, in deference to the feeling in Scotland, the Bill was not made applicable to that country. In one debate, an hon. Gentleman—now in the Admiralty—moved an Amendment which he (Sir Thomas Chambers) would have supported, to the effect that it was not expedient to have a different marriage law for different portions of the United Kingdom. That Amendment was carried—as he thought, properly. But what was the condition of things now in Scotland? There were 81 corporations in Scotland, all of which—at least, with very few exceptions—had petitioned in favour of the Bill. Those corporations met in convention once a year, and that convention had petitioned the House in favour of the Bill; so that a Presbyterian community of Established and Free Churches, which must be hampered to some extent by the doctrines of the Westminster Confession, came and asked for this change in the marriage law. From Ireland, Petitions had come both from the Corporation of Dublin and from the people of that city. These instances furnished a sufficient criterion of the state of public feeling. Then, as to the Church, he was glad to think that a feeling of sympathy between the clergy and their flocks was widening upon many subjects. 500 clergymen of the Church of England in the metropolis and the vicinity had petitioned in favour of the Bill, which also had many friends in Convocation. Of the Roman Catholic clergy, 88 of the most eminent men in Dublin had petitioned in favour of the Bill, that civil validity might be given to a marriage which was sanctioned by their Church. Some people urged that the Bill would conduce to immorality. Dr. Vaughan, Dr. Hook, and other clergymen of wide experience were in favour of the Bill. Were not such men in the interests of morality? They had better opportunities than most people of ascertaining public feeling, and they supported the Bill. Men who had the best opportunities of knowing the effect of the existing law emphatically condemned it. He thought further that as it was hopeless to wait for perfect unanimity in favour of any legislative proposal, Parliament was bound to

regard with deference the large and important expression of the people's views, which had already been made known. It was worthy of remark also that, in addition to the large numbers of individuals and corporations already referred to, the principle of the Bill had been supported by the late Lord Palmerston and Earl Russell, and many others had strongly advocated this measure. Its supporters now included a long list in both Houses of Parliament. A considerable proportion of the Members of the present Government had voted for the Bill over and over again. Years ago, the present Archbishop of Canterbury signed a Petition, in which he said—

“Whether the question is considered in a religious, moral, or social point of view, such marriages are unobjectionable, while in many instances they contribute to the happiness of parties and the welfare of the motherless children, and among the poor have a tendency to prevent immorality.”

The late Archbishops of York and Dublin, Dr. Musgrave and Dr. Whately, supported the measure, and four Bishops recently voted for it. At that moment England and three or four colonies were the only places in the whole of Christendom, European and Transatlantic, where these marriages were not lawful. Quite lately three Australian colonies—South Australia, Victoria, and Tasmania—had passed Acts legalizing marriage with a deceased wife's sister. Who would presume to say that the Queen, under the advice of the Privy Council, had given her Royal Assent to a law likely to promote immorality? If restraints on marriage were urged on the ground that a Christian nation should not take the liberty to contract matrimony, where circumstances and affection pointed to it, then we were on the edge of a dangerous precipice. We now stood almost alone as regarded the Empire of which we formed a part. The Cape of Good Hope, New Zealand, and another colony—he had forgotten which—were about to send Acts over shortly for the Royal Assent, following in the wake of the Australian colonies. Although other Gentlemen were now in Her Majesty's counsels than those who advised the Royal Assent in the previous cases, he had no doubt that in this matter they would follow the example of their predecessors, and then we should have the

Sir Thomas Chambers

whole of the colonies enjoying the privilege of contracting such a marriage as he advocated, and England standing alone. What had been lately done in Germany? A new marriage law had been passed which put marriage with a deceased wife's sister on the same footing as any other marriage. It had been objected that the Bill would have a retrospective operation—that its object was to put those persons right who had broken the law. With regard to the point he thought it only just, and that it would be a gross thing to make the law only prospective. Priests used to be forbidden to marry, and the Act which took away the restriction was retrospective as well as prospective. Had it not been retrospective they might have had this anomalous state of matters—that on the same day six priests might be coming from church with their brides, while other six priests were being taken from Newgate to be hanged at Tyburn for the felony of getting married. When, in 1835, Lord Lyndhurst introduced his measure on the subject, the Bishops expressed their willingness to assent to it upon condition that it should be only prospective. Lord Lyndhurst took the Bill under that condition, and it was sent down to the House of Commons in that shape. The objection, however, was raised that the scope of that Bill was too limited, and it was understood that the error should be corrected, but that had not been done up to the present time. The present Bill did not propose to alter the law, but to make the law consistent with itself, and to show that the Act of Henry VIII. and the doctrine of the Church should have free scope in this country. It could not be said that the proposal was hostile to the moral sense of the community, for the Bill had been sent up to the other House seven times, as he had already stated, and on one occasion had only been rejected by a small majority of 4. He therefore urged that as it had been so long before the country, it ought now to be at once settled. If it were a question respecting an alteration in the Parliamentary franchise, the Lords would not have rejected the Bill with a remonstrance from the Commons. Perhaps, when the Bill again reached them, they would treat it with more respect, for the people were more earnest on the subject now

than they had been during the last 40 years. In conclusion, he had great pleasure in moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Thomas Chambers.*)

MR. ARTHUR MILLS, in rising to move as an Amendment, that the Bill be read a second time that day six months, said, that he entirely agreed with the hon. and learned Gentleman the Member for Marylebone that that was not a Party measure, nor did he consider it a question involving a controversy between the two Houses of Parliament. There could be no doubt that the Bill had been sent up to, and rejected seven times by, the House of Lords; but there was another fact which ought not to be overlooked, and that was, that during the last 15 years the Bill had been three times rejected by the House of Commons. No doubt, also, a great many Petitions had been presented in favour of the measure, and he did not undervalue them; but it was notorious that there had been an artificial agitation on the subject, and his Parliamentary experience warranted him in believing that on many questions of less importance than this, it would have been possible to obtain a very large number of signatures to Petitions. The hon. and learned Member had stated that there were 1,500,000 signatures attached to Petitions in favour of the Bill; but he (Mr. A. Mills) should not be at all surprised if there were as many signatures to Petitions in favour of the person called "The Claimant," now sojourning in the moors of Devonshire. He was not at all undervaluing the importance of Petitions under certain circumstances; but he must say he thought there had been a great deal of "tall talk" with reference to the number of signatures attached to the Petitions in support of this Bill, both in the circulars recently sent to the Members of the House and in statements made elsewhere. It was stated on a previous occasion, by a former hon. Member for Bradford, by way of illustrating what was the opinion out-of-doors on this question, that every man in Bradford wanted to marry his deceased wife's sister. Of course, if that statement was correct, it represented a strange state of

things, because it implied that every man in Bradford was a widower. Perhaps the right hon. Gentleman whom he saw opposite (Mr. Forster) would tell the House whether the opinion in Bradford now on this subject was the same as when that statement was made. At all events, he ventured to say that the tone which had been adopted in reference to the Bill, and the statements about the public opinion out-of-doors, had been grievously exaggerated up to the present time, and that in that way the agitation in favour of the Bill had been kept up. The question was, whether the agitation was not supported by those who had already broken the law of the country, and who therefore wished to secure for themselves an indemnity, and to destroy that marriage law which he would undertake to say nine-tenths of the intelligent men and women of England desired to be upheld. This Bill, said the hon. and learned Gentleman who moved its second reading, was a Bill simply to legalize marriage with a deceased wife's sister. The hon. and learned Gentleman assumed that if the law was altered as he proposed, it would end there, and that there was no danger of any further infringement in respect of marriages of affinity. Indeed, he (Mr. A. Mills) believed it had been said in a former discussion of the matter that it was altogether idle to suppose that an alteration of the marriage law simply in this particular would lead to further alterations of that law. He would, however, ask the House what would be the consequence if that state of the law which now prevailed on the Continent—not on all the Continent, as the hon. and learned Gentleman represented, for in Russia and those countries where the Greek Church prevailed these marriages were not allowed—but in those countries in which the marriage laws had been relaxed, were extended to this country? There were abundant facts which could be adduced to prove that if this alteration were made they would be logically bound to extend it further; he believed that if the Bill were passed it would introduce chaos and confusion into our marriage laws, because it would be impossible to refuse concessions exactly collateral to that which was proposed by this measure. He had read a day or two ago in *The Saturday Review* quotations from *The*

Mr. Arthur Mills

Almanach de Gotha, from which it appeared that within recent years there had been only four instances of marriages in the Royal and "Illustrious" Houses, with which the book dealt, between men and their deceased wife's sisters, one of a man with his brother's widow, but no less than six between uncle and niece. That, at least, proved that in countries where the marriage law had been relaxed, marriages were sanctioned which were absolutely abhorrent to the feelings of the people of this country, and abhorrent, he believed, to the feelings of the hon. and learned Member for Marylebone. If we relaxed the law, were we prepared to have the law in such a state that everybody might marry any one he pleased?—which he believed would be the result of a relaxation of the marriage law? He believed that public opinion was against every notion of marriages between uncles and nieces, and between aunts and nephews. But if this Bill were to pass, the experience of the Continent of Europe warned them that such marriages would become inevitable. The question of the representation of women in that House was on the *tapis*. What might be the issue he did not venture to predict; but certainly as long as women were unrepresented in Parliament, it behoved the House to be very careful in their legislation to consult the reasonable feelings and the interests of women. He ventured to say that if the women of this country should ever be included in our representative system the hon. and learned Member for Marylebone would not be again returned for that borough as the advocate of this Bill. The hon. and learned Member for Marylebone alluded to the feelings and the necessities of the working classes. He (Mr. A. Mills) would not yield to the hon. and learned Gentleman in his anxiety that their legislation should take full account of the feelings and necessities of the poor. The hon. and learned Member had mentioned the names of several eminent men, both statesmen and clergymen, who were of opinion that the proposed relaxation of the marriage law would be absolutely good to the poor, and was desired by the working classes. The hon. and learned Member said very truly that this was not a party question. He (Mr. A. Mills) would quote Liberal authorities who were greatly respected in that House and in

the country. Lord Hatherley, speaking on the Bill in the House of Lords in 1870, said—

"I know something about the poor, and I am confident they will be the class least affected by the Bill. The poor marry early, and it is very seldom among the poor that a widower finds a sister of his wife unmarried. . . . The first time I opposed this Bill 'elsewhere' a clergyman wrote to me saying that—'You have ventured to say that the poor do not desire this Bill. I know 20 or 30 cases in which widowers were ready to marry their deceased wives' sisters.' I replied that I would recant all I had said if he would state, on his own authority, that he was prepared to furnish names and addresses so that I might inquire into the facts. I never heard anything more from him. . . . I inquired in my own neighbourhood in two parishes, containing 60,000 people and 40,000 poor; and, after employing a very active person to search, I could only hear of one such marriage. However, one of the newspapers, which objected very strongly to my view, said that a City missionary, who had made inquiries in the same district, had found two more. So, after scouring the whole field we found three such marriages among 40,000 poor."—[3 *Hansard*, cci. 950,951.]

In the House of Lords, Lord Selborne, speaking on this Bill in 1873, quoted a Scripture-reader's letter to himself—dated April 26, 1861—as follows:—

"Being in daily and constant association with the labouring and poorer classes, as one living among them, and being in their homes in the most poverty-stricken neighbourhoods; intimately knowing hundreds of the families of the superior working men, and also of those in the deepest poverty; being in the habit for years past of daily teaching many of the children of the very poor, and also being gratuitously occupied in reading . . . every Sunday to upwards of 200 men of the labouring class. I know from my own observations and conversations I have had with many on the subject of the proposed Bill, that the marriage with the deceased wife's sister is not approved, and is very rarely to be met with among them."—[3 *Hansard*, ccxiv. 1906.]

The hon. and learned Member told the House that all arguments of a Scriptural or ecclesiastical nature were now abandoned by the opponents of this Bill. He (Mr. A. Mills) did not agree with that statement. But he would frankly say that he attached far more importance to what he ventured to call the moral and social aspects of this question than to its religious or ecclesiastical aspect. There had been much ridicule on the subject of what was termed "the abolition of sisters-in-law;" but he maintained that a great and serious question was involved which should not be treated lightly—namely, whether a widower was to be

deprived of that comfort which he would naturally derive from his sister-in-law, and be placed in an uncomfortable and anomalous relation towards that member of his family who was the most natural person to be the consoler of his sorrows. He based his opposition to this Bill mainly upon the social and moral aspects of the question. It was not because the ancient constitutions of Christendom forbade these marriages—it was not because they were forbidden by the Code of Theodorus, or deprecated by the venerable authority of Ambrose and Augustine and Basil—it was not because they were uniformly opposed by Lutherans, Calvinists, and Presbyterians in Scotland, in Geneva, and in France, that he resisted this Bill, but because he believed that, if passed, it must necessarily revolutionize the home life of this country, and that it would place at the mercy of the self-interested wire-pullers of an agitation which was fostered for the purpose of giving immunity to those who had already broken the law, the most solemn and precious relations of our domestic life. The hon. Gentleman concluded by moving the rejection of the Bill.

MR. BERESFORD HOPE seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Arthur Mills.)

MR. SERJEANT SIMON said, he rose with great reluctance to take part in the debate, and should not have done so had it not been for the attack just made on those who were anxious for the passing of this Bill. He regretted that the hon. Member for Exeter (Mr. A. Mills) should have spoiled his otherwise moderate speech by the attack he had made on those who had promoted Petitions in favour of the Bill. If there had been no Petitions in favour of the Bill its promoters would have been met with the objection that no public interest was felt in it; but when the hon. and learned Member for Marylebone referred to the Petitions which had been presented—many of them signed by corporate bodies—then it was said that they had been produced by wire-pullers, agitators, and dangerous persons. There was no necessary sequence between the Bill and the cases he had quoted from *The*

Almanach de Gotha. The object of the Bill was not to make the marriage laws logically consistent, but to meet a practical grievance, and in that respect to legislate according to the principles upon which alone legislation took place in this country. The measure was produced because it was required in order to meet a practical grievance from which there was more extensive suffering than the hon. Gentleman seemed to imagine. He denied the assertion that they asked to change the marriage law in the sense intended by hon. Gentlemen opposite. When he heard it said that the supporters of the Bill intended to change the marriage law, to revolutionize the whole social life of the country, and produce mischief on the domestic hearth, he wondered what had become of the memory and experience of at least some hon. Members in the House who must remember that before Lord Lyndhurst's Act was passed, widowers contracted marriages with their deceased wives' sisters. Such marriages were not prohibited by the Common Law of England, although under the Canon Law they were voidable in the life-time of the parties. What was the condition of the social life of our country before Lord Lyndhurst's Act was passed? Were domestic jealousies and differences, domestic unhappiness and suspicion prevalent? They heard nothing of the kind. He did not care to refer to the experience of two of the most Christian and most civilized countries of Europe—Holland and Germany—but he appealed to our own social experience in these realms to show that before the passing of the Act of 1835 there was nothing like social disturbance or domestic unhappiness arising from the fact that a man might marry the sister of his deceased wife. A distinguished foreigner once remarked to him that in England we never passed a law because it was right, but because it was required. In this case the change demanded was not only required, but it was right; and hon. Gentlemen opposite who were so ready to reject the Bill had no idea of the misery and the suffering which were entailed by its being refused. Among the Jewish people these marriages had through all time, as far as history or tradition showed, taken place. They were a people particularly free in their social intercourse, and particularly pure in their

domestic life—a people who respected as much as any in the world all the sanctities of the domestic relations. As a member of that community he had known of these marriages amongst them; but he had never heard it hinted that there was any ground of unhappiness, or any feeling of jealousy or suspicion on the part of any Jewish woman with regard to her sister. It would be urged that before the Act of 1835 these marriages were voidable provided the Canon Law was enforced; but he protested against the authority of an ecclesiastical law which at least one-half of the people of this country did not recognize. Speaking for the very large class of the population which he represented, he could say that they were almost to a man in favour of this—as it was called—change of the law. With regard to the opinion of the working classes, he represented a borough with a population of about 70,000, chiefly composed of working men, and he had scarcely ever visited that borough without being questioned as to his views upon this subject. The hon. Member for Exeter (Mr. A. Mills) said the Bill aimed a blow at the relations of private life, and deprived the widower of the benefit of the consolation of his sister-in-law; but if a widower had to marry again, and had to seek a mother for his children outside the family of his deceased wife, he had to break with all the sacred connections of the past, with all the tender reminiscences of his youth, and if he wished to lead a tranquil, not to say a happy, life, he must repudiate all his past connections and memories. Was the widower deprived of his sister-in-law's society before the passing of Lord Lyndhurst's Act? Were the Jewish people or the people of Holland or Germany subject to the same deprivation? The objections that had been urged were mere mythical speculations without any substantial foundation. The very fact that Lord Lyndhurst's Act recognized all past marriages of this description as legal put an end to the religious objection, for if such unions were incestuous now they must have been then. That Act imposed a hardship upon the people which did not before exist, and it was to reverse that change, and to make these marriages for ever binding, that that Bill was brought forward. He heartily supported the Bill.

Mr. Serjeant Simon

MR. BERESFORD HOPE : Mr. Speaker—I have been long enough a Member to have been often astonished by very monstrous statements ; but, considering that it fell from one of Her Majesty's Serjeants learned in the law, I was never so astonished as I have been in the last quarter of an hour, at hearing the hon. and learned Member say that the Bill which is now before us is to restore the law to the condition in which it stood prior to the passing of Lord Lyndhurst's Act. What was the case before the passing of that Act ? Why, that marriages with a deceased wife's sister, like those within the other prohibited degrees, were as illegal then as they are now ; but that the process for arriving at that illegality was an imperfect and a barbarous one, the marriage being voidable, not void. "Voidable" simply meant that the illegality of the marriage had to be proved in the life-time of the two parties. The marriage was known to be illegal, but by a misplaced mercy it was allowed to stand, unless disproved. If the disproof was not effected in a certain technical manner, the law shut its eyes, and refused to know anything beyond the fact that A and B, the man and woman, had had a marriage ceremony performed between them, and so there was no further investigation. Lord Lyndhurst's Act did away with this anomaly for the future, while it must be owned stereotyping it for the past, but with this portion of it our generation is not concerned. Does the Bill of the hon. and learned Common Serjeant say that, unless a process of law shall be instituted in their life-time, the marriage of a man and his daughter shall be lawful now ? Does he dare to say that ? If he does not, then this statement of the hon. and learned Member for Dewsbury falls to the ground.

MR. SERJEANT SIMON : What I said was, that before the passing of Lord Lyndhurst's Act these marriages were legal at Common Law, and that any impediment to them arose out of the Canon Law, which, unless our Courts recognized it, would have had no force in this country.

MR. BERESFORD HOPE : The hon. and learned Gentleman has not answered my question. He has merely given the authority from which the illegality proceeded. I deal with the statement of a fact. He began his

speech by saying that this Bill would restore the state of the law to what it was before the passing of Lord Lyndhurst's Act, and he wound up by saying that he wished to return to that state of things. I tell him that, according to the law before the passing of Lord Lyndhurst's Act, a process of law was needful to annul a marriage between any man and woman, however nearly related by ties of blood, not of affinity ; and unless this Bill does the same, his statement falls to the ground. Now, that has never yet been answered. The state of the law was confessedly barbarous when marriages which are incestuous in the eyes of all people who were in a state of civilization beyond that of the most degraded tribes of Central Africa still required a process of law in the life-time of the two parties—a process which a collusive suit might prevent—in order that the law should be able to recognize the antecedent illegality. I think, then, I need not deal much farther with the arguments and statements of the hon. and learned Member for Dewsbury. He has told us that he is the Representative of a borough with 70,000 inhabitants ; and there he seems to have come across strong propensities for unlawful alliances. I may tell him that at one time I myself was connected with a larger constituency than that of Dewsbury, and that I only came across three instances of a marriage of the sort. One of these was the case of a solicitor, eminent for his services to the Liberal cause in the borough ; another was that of a manufacturer, a warm partizan of the Conservative side, who was so satisfied of my honesty that he gave me his support, though he knew that, if elected, I should vote against the legality of such unions ; the third was a basket-maker, whose politics I did not care to inquire into. I pass now to the hon. and learned Member for Marylebone, who certainly did also astonish me. He repudiated, with all the earnestness of his very earnest nature, any idea of expediency on such a question. Expediency ; monstrous ! The idea of expediency ! You must have right or wrong : away with expediency ! I ask the non-expedient and learned Common Serjeant, then, how he will defend the monstrous anomaly of this Bill, which, whilst allowing a man to contract an alliance with the sister of the deceased

wife, forbids the marriage contract with that more distant relation, the daughter of the sister of that wife? Could there be a more ridiculous anomaly? I ask him, again, why he allows an alliance with the sister of a deceased wife, and does not allow two brothers to call themselves successively the husbands of one woman? The relationship is absolutely parallel; and nothing but expediency can—I will not say justify; there is no justification about it—but nothing else than expediency can show the least pretext for a Bill to legalize one kind of marriage and not to legalize the other. I know that the hon. and learned Member professes to be very shocked indeed at the idea of marriage with a deceased brother's widow; and I must say that I know of no man who can look so shocked at the right time as the hon. and learned Common Serjeant. There is not a country in Europe in which such marriage can be celebrated, where the distinction between a wife's sister and a brother's widow exists. In the laws of France, of Germany, and the other States of Europe, the expression is brother-in-law and sister-in-law. In France, by the dispensation of the head of the State; in the Southern States of Germany by dispensation at one time; in Prussia without dispensation, and now without dispensation all over Germany, this marriage with a brother or sister-in-law is legalized, whether the relationship proceeds in the line of two brothers or two sisters; and yet the hon. and learned Common Serjeant can get up here and tell us that the idea of expediency has no place in his conscience. He would allow a man to marry his deceased wife's sister, but he would not allow him to marry his brother's widow or his wife's sister's daughter. That is another difficulty on which he has been long impaled, and off which I will do him the justice to say he has never attempted to wriggle. There is no country in the world in which marriage between brothers and sisters-in-law is legalized, either absolutely or relatively by way of dispensation, in which marriage is not also legalized between uncles and nieces, and nephew and aunts. He may say that that is a curious coincidence. In France it is legalized, in Germany it is legalized, and in Portugal and Spain it is legalized. We know that the so-called Legitimist claimant for the Throne of

Spain is himself the grandson of an alliance between an uncle and a niece, a Princess of Portugal, after whose death that uncle, the original Don Carlos, married another niece, who happened also to be the sister of the first wife. Then the hon. and learned Common Serjeant talked of the growing feeling in favour of his proposal all over the country, and professed that nine-tenths of the reasonable people of England—all indeed but a knot of bigots—desired it. Well, if this be so, how is it that the Association in Parliament Street have for the last quarter of a century acted under the single name of Joseph Stansbury? For Mr. Joseph Stansbury I have the utmost respect; but he is the sole representative of a pertinacious body of persons who, we are told, include among them the great and good of the land; but if the cause is so holy and pure, why are its advocates so modest that they are content to blush unseen behind the mantle of Joseph Stansbury? The assertion answers itself. Then the hon. and learned Member told us that he has brought forward this Bill seven times, and he talks as if it had received the approbation of successive Parliaments. It has been sent from the House of Commons to the House of Lords only by three Parliaments, and there thrown out. At one time the hon. and learned Common Serjeant talked of 40 divisions, and there may have been that number of divisions including those on the question of adjournment and on going into Committee upon the Bill; but he is now more modest and only counts up to seven. Let me, on my side, give some further statistics. This Bill has not been before the present Parliament until now; but the measure has been before seven Parliaments; but of those seven Parliaments, how many were there in which this House sent it up to the House of Lords? In how many of them has it been thrown out by this House? In how many of them has it foundered and suffered shipwreck without going to the House of Lords? Out of those seven Parliaments it has only three times got from us to the Lords; in three we rejected it, and once it broke down in this House. In the Parliament which was elected in 1865 it was once thrown out in this House and was never again revived. In the

Mr. Beresford Hope

Parliament which was elected in 1859, and which sat till 1865, it was twice thrown out in this House, and never reached the House of Lords. In the long Parliament which sat from 1852 to 1858, it once crept through a second reading by a very narrow majority in this House, then collapsed mysteriously, and was not heard of again here. So much for statistics. After the measure had been thrown out in the two preceding Parliaments by this House, it was during the successive Sessions of 1870 and 1871 rejected in "another place." What, then, did the hon. and learned Common Serjeant do? I trust the hon. and learned Member for Dewsbury will listen to this for a minute, as it was a transaction in which he had a share, for I recollect a Notice he gave which had something to do with the Episcopal Bench in the House of Lords at that time. But in 1871 the feelings of the hon. and learned Common Serjeant were too much for him. His pet Bill had been twice thrown out by the House of Lords, after having been thrown out three times in this House; and in the month of April, 1871, a public meeting was held in St. James's Hall, the hon. and learned Common Serjeant in the chair—

"To protest against the unconstitutional proceedings of the House of Lords in rejecting a measure which had been repeatedly passed by the House of Commons, and to demand the removal of the Bishops from the House of Lords."

Well, the hon. and learned Common Serjeant being in the chair at that meeting, a gentleman who was not a Member of this House, though he did try to obtain a seat for Greenwich—Dr. Baxter Langley—moved the first resolution, which was affirmatory of that policy. Upon that an amendment was moved and seconded by another gentleman, who had also tried to enter this House for Nottingham and failed—the well-known and generally-respected Mr. Odger. His amendment was not only to remove the Bishops, but everybody else from the House of Lords and to abolish that institution altogether. Then followed a great row. The question was put, and the hon. and learned Common Serjeant declared the original resolution, which only abolished the Bishops, to be carried; but a considerable minority of those who were present and in favour of the amendment were of a different

opinion. A *vir pietate gravis* interposed in the person of an hon. Gentleman who has long been a Member of this House, the senior Member for Peterborough (Mr. Whalley), and the meeting broke up amid great disturbance. After this a certain Motion, which the hon. and learned Member for Dewsbury will recollect appeared on the Notice Paper of this House for some time, and then disappeared without coming on for discussion, either on a Tuesday or Friday. I must remind the House of these things when I find a person in the high legal and judicial position of the Common Serjeant making such an appeal as he has addressed to us to pass his Bill. I must be allowed to point out that all his statements are not strictly accurate, and that the Parliamentary history of the question as he has narrated it is not the same as I read it, while its extra Parliamentary history contains very singular incidents, some of which I have attempted to describe to the House. I could say a great deal more upon this subject. I have often spoken upon it before; but on this occasion I have no need after the admirable speech of my hon. Friend the Member for Exeter (Mr. A. Mills), of whom I will say that I am glad that the mantle of his predecessor in the representation of that city has fallen upon one so able and eloquent. I cannot forget the eloquence, the devotion, and the fervour with which the Lord Chief Justice of the Common Pleas always opposed this Bill. I cannot forget how Lord Selborne, Lord Hatherley, Lord O'Hagan, Lord Chelmsford, as well as the present Lord Chancellor, and the late Lord St. Leonards, always opposed this fatal change of law; nor how the present heads of the Scottish Judiciary gave vote and voice the same way. But after what my hon. Friend the Member for Exeter has said so well to-day, I will not detain the House longer. Before setting down, however, I must appeal to hon. Members not to put faith in the garbled statements and coloured representations of a society which, after five-and-twenty years existence, can only put forward one ostensible representative—Mr. Joseph Stansbury—as the exponent of the feeling of the educated, the refined, and the virtuous people of this country.

MR. ALDERMAN COTTON said, that much wisdom was expressed on the sub-

ject by our Divine Master, when he said that in Heaven there were neither marriages nor giving in marriage. He thought a great deal of foreign matter had been introduced into the debate. The House was distinctly asked to assent to marriage with a deceased wife's sister, and not to marriage with any mother, daughter, sister, aunt, niece, grandmother, or great grandmother. It was more a question of property than propriety. The one single question to consider was, whether it was or was not a proper thing for a man to be allowed to marry the sister of his deceased wife. He (Mr. Alderman Cotton) thought that it was. So far as consanguinity was concerned, there was not the slightest relationship between a man and his wife's sister, any more than there was between a man and his wife before marriage. Who could be so fit and proper a person to take charge of the children of a deceased wife as her own sister? It was notorious that second marriages generally resulted in the first family being turned out of doors; and unless the step-mother was in some way related to them, it was impossible to secure any regard on her part for the children of the first wife. The whole of the arguments against the Bill were of a peculiar and curious kind, and he considered that the opponents of the Bill did not take the most delicate side of the question. They were always assuming a position which could not exist in a family. They assumed that a man, having made his choice from a family of sisters, liked his wife's sister better than herself, and that the whole aim of his existence would be to get rid of the wife and marry the sisters in succession. Such a state of society was not at all proper to contemplate, and the assumption was equally applicable to any woman who visited a man as to his wife's sister. There was no argument in Scripture which justified the opposition to the Bill. True, the Levitical law forbade a man to marry his wife's sister whilst his wife was alive, but it did not forbid him to do so after his wife's death. He hoped the House would strip the opposition to the Bill of the foreign matter that had been introduced, and take a plain matter-of-fact view of the question, whether there was really anything improper in such marriages. He believed it was the fact that thousands

of marriages of this kind had taken place, and he had heard the number stated as 20,000. People went abroad to contract these marriages; and if they remained there, the children would be legitimate, whilst if they returned, the issue would be branded with illegitimacy. If for the sake only of these children, he urged the House to pass the Bill. He did not think its operation ought to be retrospective as regarded property, although it should be as regarded the matter of legitimacy. The measure was not opposed to morality, it was in accordance with common sense, and it did not interfere with the happiness and welfare of any body of persons.

MR. MACDONALD: I do not rise, Sir, for the purpose of making any lengthened remarks on this question, but simply to say that I think this Bill should be passed, with the view of removing what I consider a very great scandal existing in many parts of the country. We have refused up till now to legalize marriage with a deceased wife's sister, and what is the result? The result is, that the law is openly set at nought and trampled upon. Among the working classes you find people living in open violation of the law, and receiving no condemnation or reprobation. I therefore ask the House to pass this Bill, in the hope that it will have a salutary effect, and will be the cause of stopping the very gross immorality that exists in consequence of the present state of things.

LORD HENRY SCOTT said, he had never in his life been so astonished as when the worthy Alderman the Member for the City of London asserted that there was no more relationship between a man and his sister-in-law than had existed between him and his wife previously to his marriage. The whole law of affinity was based on the one principle of the unity of man and wife, the relations of the one being made equally the relations of the other—if this principle were broken down in one degree of affinity, all others must be broken down also, and the consequence would be that, if this Bill was passed, we should have men very shortly marrying their deceased wife's niece, a woman her deceased husband's brother, and so on. In that case, he would venture to predict that before many years had elapsed another measure would be brought in for legiti-

Mr. Alderman Cotton

matiasing all the children of these marriages born before the passing of the Act, and giving them all the rights of legitimacy. Although he should not go into that part of the subject, there could be no doubt that the religious arguments based upon the Mosaic law were more in favour of those who wished the law to remain as it was than in favour of those who desired to alter it; but the Christian law of marriage, though based on the Mosaic law, was not identical with it, but rested on the one principle he had before stated. Were they really prepared to enter into an entire revision of the marriage law of the Kingdom? because if they passed the Bill, they would have to do so. They could not alter it ever so little without being obliged to go further. In his opinion, to pass the Bill would be to do away with, to a great extent, the sanctity of marriage, and which in these days when there was a tendency to relax moral and religious obligations, would be a sad blow to the morality of this country; he should, therefore, decidedly oppose the second reading.

MR. MUNTZ said, he wished to call the attention of the House to the fact that the hon. Member for Cambridge University had said that the management of the Bill had been entrusted to a Mr. Stansbury, of Parliament Street, who had not changed his name for 30 years. How many times did the hon. Member think a man ought to change his name during that period? He denied that the demand for the legalization of marriage with a deceased wife's sister was the result of an agitation got up by Mr. Stansbury. On the contrary, it was founded upon a belief which had a strong national feeling in the hearts of the people. In proof of that, he might mention that he had that day presented a Petition from the Mayor, Aldermen, and Common Council of Birmingham in favour of an alteration of the law, and another, also from Birmingham, signed by 9,340 persons, of whom at least as many were women as men. Those Petitions were not got up by any agitators whatever, and he would defy any hon. Gentleman who said or who thought otherwise to hold a public meeting at Birmingham, and carry a resolution in favour of the present state of the law. He wished to point out that in Victoria, New Zealand, and Canada, Her Ma-

jesty had sanctioned the principle which the Bill would carry into effect, and the consequence was that a man might go out from England and marry a deceased wife's sister in any of those colonies; and all his children would be legitimate; while if, after making his money, he returned to this country, his modest wife would become his mistress, and his children bastards. Now, he asked the House to consider whether that was a desirable state of things to continue, especially when it was borne in mind that in all Catholic countries these marriages were sanctioned directly a dispensation had been obtained, which was invariably granted immediately it was asked for. Under such circumstances, and considering the fact that England stood alone in her dignity with reference to this question, why should they retain a law which was so offensive to a considerable number of the population? Who was more likely to make a better mother to the children of a deceased wife than that wife's sister? And it was, no doubt, that consideration which led to so many of these marriages being contracted. At present people often lived together without being married, in consequence of the existing law in this respect. Surely that was not a kind of immorality which ought to be encouraged merely in order to carry out a fancy. The religious question was all, in his opinion, on the side of the Bill. By the Levitical law, the custom of marrying a deceased wife's sister was not only recommended, but was even made compulsory; the lady was entitled to ask the husband to marry her, and if he objected, she spat on her shoe and struck him in the face, which, although it might not have the effect of making him amorous, at any rate showed her disdain at his refusal. It was also clearly laid down in these words—"Thou shalt not marry thy wife's sister while she is alive"—[*Laughter*]*—no, he did not mean that; what he intended to say was—"Thou shalt not marry thy wife's sister while thy wife is alive."* It had been said that the wife would be vexed if she thought her husband, after her death, would marry her sister; he believed the wife would be equally vexed if she thought her husband was likely to marry any other woman; but, as a matter of fact, it was well known that many wives on their deathbeds had entreated their husbands to marry their

sisters, in order that their children might be sure of being well cared for. He believed that if a poll of the whole country was taken, there would be a large majority in favour of the Bill, and for this reason and others he had mentioned, he should have much pleasure in voting for the second reading.

SIR HENRY SELWIN-IBBETSON said, that on the present occasion, he must be taken as offering only his individual opinion on the subject. He thought that if there was such a desire for the Bill as had been alleged, that the hon. and learned Common Serjeant was bound to prove that a considerable number of people in this country were suffering from the law as it at present stood. In his belief the hon. and learned Member had failed to do this. By means of an energetic organization the House of Commons had been inundated with Petitions; but he did not think they represented the real feeling of the country. During the many years the question had been before the House, he had not found that it had been a question at the hustings, or had in any way decided the fate of an election. His own constituency was decidedly opposed to the measure, as he believed the great majority of the people of the country were. There was another portion of the Kingdom which ought to be considered. Ireland had most decidedly protested against the proposed change ever since it was first mooted; and notwithstanding the continued and persistent agitation which had been kept up for so many years, the resistance to it had not abated, nor had the public opinion in its favour grown. In proof of that assertion, he well recollected the late much-lamented Mr. Maguire's appeal to the House not to pass the measure, because the people of Ireland did not want it, and they had also more lately had the opinion of Lord O'Hagan on the subject, who was as strongly opposed to the Bill as Mr. Maguire. It was sometimes said that this was a poor man's question, but statistics on that point proved that a great deal was to be said on the other side. Why was the Legislature called upon to meddle with laws which, as they stood, were distinct and intelligible, merely because a certain number of men had knowingly broken the law? If you relaxed the law with regard to this degree of affinity, how could you justify the law

Mr. Muntz

which prohibited marriages in other degrees of affinity—for example, with a deceased wife's niece? Without entering into the religious part of the question, his belief was that the history of Christian marriages was really expressed in our Redeemer's words—"They twain shall be one flesh." The kinsmen of the wife were the kinsmen of the husband, and *vice versa*; and the Bill, if it passed, would involve the destruction of this relationship. He objected also to its retrospective operation, believing that those persons who had knowingly broken the law had no claim to be relieved from the consequences of their wrong-doing. They could not pass the Bill without setting up a whole system of anomalies which they would find it extremely difficult to deal with; and so far, therefore, as he was concerned, he should have no hesitation in voting against the second reading.

MR. RONAYNE said, he had very little personal interest in the Bill, seeing that his wife had no sisters; but he wished to state, with reference to the Petition said by the hon. and learned Gentleman the Common Serjeant to be signed by 80 clergy of the diocese of Dublin in favour of the Bill, that they only desired such marriages to be legalized, if the parties had received dispensation from the Church. The Roman Catholic Church, however, invariably disapproved such marriages; and so far from a dispensation in such cases being easily got, they were most difficult to obtain; and he knew many influential and wealthy people who had been refused them. With regard to the measure itself, the Catholic people of Ireland were undoubtedly opposed to it.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 142; Noes 171: Majority 29.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading *put off* for six months.

AYES.

Anderson, G.	Beaumont, Major F.
Ashley, hon. E. M.	Beaumont, W. B.
Barrington, Viscount	Bentinck, G. C.
Bassett, F.	Biggar, J. G.
Bazley, Sir T.	Bolckow, H. W. F.

Brassey, H. A.
 Brassey, T.
 Briggs, W. E.
 Bright, rt. hon. J.
 Bristowe, S. B.
 Brogden, A.
 Brooks, M.
 Brown, A. H.
 Bruce, hon. T.
 Cameron, C.
 Carter, R. M.
 Cave, T.
 Chadwick, D.
 Childers, rt. hon. H.
 Clarke, J. C.
 Clifford, C. C.
 Cole, H. T.
 Collins, E.
 Colman, J. J.
 Cotes, C. C.
 Cotton, Alderman
 Cowan, J.
 Cowen, J.
 Cowper, hon. H. F.
 Davies, D.
 Denison, C. B.
 Dickson, T. A.
 Dilke, Sir C. W.
 Dillwyn, L. L.
 Dixon, G.
 Dodson, rt. hon. J. G.
 Dundas, J. C.
 Earp, T.
 Egerton, Adm. hon. F.
 Evans, T. W.
 Eyton, P. E.
 Fawcett, H.
 Ferguson, R.
 Fitzwilliam, hon. C.
 W. W.
 Forster, Sir C.
 Forster, rt. hon. W. E.
 Gardner, J. T. Agg-
 Gardner, R. Richard-
 son-
 Goldsmid, Sir F.
 Goldsmid, J.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Gurney, rt. hon. R.
 Hankey, T.
 Harrison, C.
 Havelock, Sir H.
 Hayter, A. D.
 Herschell, F.
 Hill, T. R.
 Hodgson, K. D.
 Holland, Sir H. T.
 Holms, J.
 Holms, W.
 Hopwood, C. H.
 Howard, hon. C. W. G.
 Hughes, W. B.
 Ingram, W. J.
 Jackson, H. M.
 James, Sir H.
 Jenkins, D. J.
 Johnston, W.
 Johnstone, Sir H.
 Kay - Shuttleworth,
 U. J.

Kensington, Lord
 Laverton, A.
 Lawrence, Sir J. C.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Legard, Sir C.
 Leith, J. F.
 Lloyd, M.
 Locke, J.
 Lowther, J.
 Lusk, Sir A.
 Macgregor, D.
 MacIver, D.
 M'Arthur, W.
 M'Kenna, Sir J. N.
 Marjoribanks, Sir D. C.
 Massey, rt. hon. W. N.
 Mellor, T. W.
 Milbank, F. A.
 Mitchell, T. A.
 Morgan, G. O.
 Morley, S.
 Mundella, A. J.
 Muntz, P. H.
 Mure, Colonel
 Norwood, C. M.
 O'Loughlin, rt. hon. Sir
 C. M.
 O'Shaughnessy, R.
 O'Sullivan, W. H.
 Pennington, F.
 Perkins, Sir F.
 Plimsoll, S.
 Puleston, J. H.
 Rathbone, W.
 Reed, E. J.
 Richard, H.
 Ripley, H. W.
 Robertson, H.
 Russell, Lord A.
 St. Aubyn, Sir J.
 Samuda, J. D'A.
 Seely, C.
 Shaw, R.
 Stacpoole, W.
 Stansfeld, rt. hon. J.
 Starkley, L. R.
 Storer, G.
 Stuart, Colonel
 Sullivan, A. M.
 Swanston, A.
 Talbot, C. R. M.
 Taylor, D.
 Tollemache, W. F.
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Wait, W. K.
 Walsh, hon. A.
 Whalley, G. H.
 Whitworth, W.
 Wilson, Sir M.
 Yorke, hon. E.
 Young, A. W.

TELLERS.

Chambers, Sir T.
 Simon, Mr. Serjeant

NOES.

Anstruther, Sir W.
 Arkwright, A. P.
 Ashbury, J. L.
 Assheton, R.
 Baggallay, Sir R.
 Bailey, Sir J. R.
 Balfour, A. J.
 Baring, T. C.
 Bates, E.
 Beach, rt. hn. Sir M. H.
 Beach, W. W. B.
 Beresford, Colonel M.
 Boord, T. W.
 Bourne, Colonel
 Bright, R.
 Brise, Colonel R.
 Buckley, Sir E.
 Burrell, Sir P.
 Callender, W. R.
 Cameron, D.
 Campbell, C.
 Cave, rt. hon. S.
 Cecil, Lord E. H. B. G.
 Chapman, J.
 Christie, W. L.
 Churchill, Lord R.
 Clive, Col. hon. G. W.
 Clowes, S. W.
 Cobbett, J. M.
 Cobbold, J. P.
 Cochrane, A. D. W. R. B.
 Coope, O. E.
 Cordes, T.
 Corry, hon. H. W. L.
 Corry, J. P.
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalrymple, C.
 Davenport, W. B.
 Deakin, J. H.
 Denison, W. E.
 Dickson, Major A. G.
 Dunbar, J.
 Dyke, W. H.
 Dyott, Colonel R.
 Edmonstone, Adm. Sir
 W.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elcho, Lord
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Errington, G.
 Ewing, A. O.
 Floyer, J.
 Forester, C. T. W.
 Forsyth, W.
 Garnier, J. C.
 Greenall, G.
 Greene, E.
 Gregory, G. B.
 Grieve, J. J.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamond, C. F.
 Hardcastle, E.
 Hardy, rt. hon. G.

Hardy, J. S.
 Hervey, Lord F.
 Heygate, W. U.
 Hick, J.
 Hogg, Sir J. M.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hood, Capt. hn. A. W.
 A. N.
 Hubbard, J. G.
 Hunt, rt. hon. G. W.
 Jenkins, E.
 Johnson, J. G.
 Jolliffe, hon. S.
 Kinnaird, hon. A. F.
 Knatchbull, Sir W.
 Knowles, T.
 Laing, S.
 Learmonth, A.
 Leslie, J.
 Lewis, C. E.
 Lewis, O.
 Lloyd, T. E.
 Lopes, Sir M.
 Lorne, Marquis of
 Lowther, hon. W.
 Macartney, J. W. E.
 Macduff, Viscount
 Mackintosh, C. F.
 M'Combie, W.
 M'Lagan, P.
 Mahon, Viscount
 Maitland, J.
 Makins, Colonel
 Manners, rt. hn. Lord J.
 March, Earl of
 Marten, A. G.
 Matheson, A.
 Merewether, C. G.
 Mills, Sir C. H.
 Monckton, F.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Mowbray, rt. hn. J. R.
 Mulholland, J.
 Naghten, A. R.
 Neville-Grenville, R.
 Newport, Viscount
 Noel, E.
 North, Colonel
 Northcote, rt. hon. Sir
 S. H.
 O'Clery, K.
 O'Gorman, P.
 Onslow, D.
 Peek, Sir H. W.
 Peel, A. W.
 Pell, A.
 Pender, J.
 Percy, Earl
 Phipps, P.
 Pim, Captain B.
 Price, Captain
 Raikes, H. C.
 Ramsay, J.
 Ridley, M. W.
 Ronayne, J. P.
 Round, J.
 Russell, Sir C.
 Ryder, G. R.

Sackville, S. G. S.	Taylor, rt. hon. Col.
Sclater-Booth, rt. hn. G.	Tennant, R.
Scott, Lord H.	Torr, J.
Scott, M. D.	Turner, C.
Selwin - Ibbetson, Sir	Walpole, rt. hon. S.
H. J.	Walter, J.
Shute, General	Waterhouse, S.
Sidebottom, T. H.	Watney, J.
Simonds, W. B.	Whitelaw, A.
Smith, F. C.	Wilmot, Sir H.
Smith, S. G.	Wilmot, Sir J. E.
Smith, W. H.	Winn, R.
Stanhope, hon. E.	Wyndham, hon. P.
Stanhope, W. T. W. S.	Yarmouth, Earl of
Stanley, hon. F.	Yeaman, J.
Starkie, J. P. C.	TELLERS.
Steere, L.	Hope, A. J. B. B.
Talbot, J. G.	Mills, A.

REGISTRY OF DEEDS OFFICE (IRELAND)

BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law relating to the Registry of Deeds Office, Ireland, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH, Mr. CHANCELLOR of the EXCHEQUER, and Sir MICHAEL HICKS-BEACH.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 18th February, 1875.

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 18th February, 1875.

MINUTES.]—NEW WRIT ISSUED—For Tipperary, *v.* John Mitchel, who has become incapable of being elected or returned as a Member of this House.

NEW MEMBERS SWORN — Edward Vaughan Kenealy, esquire, *for* Stoke-upon-Trent; John Eldon Gorst, esquire, *for* Chatham.

PUBLIC BILLS — *Resolution in Committee — Ordered*—Intoxicating Liquors (Ireland)*.

First Reading—Registry of Deeds Office (Ireland)* [70].

Second Reading—Land Drainage Provisional Order* [66]; Local Government Board's Provisional Orders Confirmation* [67].

CIVIL SERVICE EXAMINATIONS.

QUESTION.

Mr. KINNAIRD asked Mr. Chancellor of the Exchequer, Whether it might not be possible periodically to hold Civil Service Examinations in different parts of the Country; say Edinburgh, Dublin, and Liverpool, so as to save candidates in these cities and neighbourhoods the trouble and expense of coming to London?

THE CHANCELLOR of the EXCHEQUER, in reply, said, all ordinary competitive examinations for the Civil Service were held in Edinburgh, Dublin, and Liverpool, as well as in other large towns. They were not held periodically, but as vacancies occurred. In examinations for the higher classes of officers it was found necessary to bring the candidates to London.

NAVY—GOVERNMENT DOCKS—CONCESSIONS TO PRIVATE FIRMS.

QUESTION.

Mr. HOPWOOD asked the First Lord of the Admiralty, Whether the use of Government Graving Docks has been afforded by the Government to private firms, one contracting for the completion of the ironclad frigate "Kaiser" for the German Government, and another for the completion of the ironclad "Independencia" for the Peruvian Government; if so, upon what terms; and, if gratuitously, whether the Government was aware that there were other Graving Docks of sufficient capacity constructed by private enterprise for commercial profit?

Mr. HUNT: On the 21st of November Messrs. Samuda Brothers applied to the Admiralty for permission to dock the *Kaiser* in one of the Government dry docks at Chatham. This was refused unless it could be shown that no private dock was available. Upon their replying that there was in the river only one such dock—namely, one at Millwall—which was capacious enough, and that there would be considerable difficulties in getting the ship in and out of the basin leading to the dock, and that the dock was then otherwise engaged, and that time was of importance, permission was granted to dock her at Chatham. No charge was made, for it is not the practice for the Admiralty to make a charge

for a ship of war, there being reciprocity in these matters between different nations. I considered that in giving this permission the Admiralty was performing an act of courtesy to a friendly Power. The ship was in dock eight days. With regard to the other ship, the following information has been supplied to me from the War Office:—The dock at Woolwich Dockyard at present occupied by the *Independencia* is hired by the builders of that vessel at the rate of £180 per month. The builders have also dredged the dock at their own expense and paid part of the cost of repairing the caisson. The vessel in question was taken into this dock at the request of the Brazilian Minister, conveyed through the Foreign Office, as the Secretary of State wished to oblige a friendly Power.

NAVY—TRAINING SHIP IN DUBLIN BAY.—QUESTION.

MR. OWEN LEWIS asked the First Lord of the Admiralty, If it is the intention of Her Majesty's Government, considering the beneficial results which have followed the establishment of training ships in England, to place one in the bay of Dublin?

MR. HUNT: There is no intention at present to establish a training ship in Dublin Bay.

FACTORY ACTS CONSOLIDATION. QUESTION.

MR. TENNANT asked the Secretary of State for the Home Department, Whether, having regard to the desirability of extending the provisions of the "Factories Act, 1874," to other than textile manufactures, and to the promise given by Her Majesty's Government for inquiry into the subject during the present Session, it is the intention of the Government to ask the sanction of this House to the appointment of a Select Committee, or to advise Her Majesty to issue a Royal Commission, or what other course they propose to take in the matter?

MR. ASSHETON CROSS, in reply, said, it was the intention of the Government to issue a Commission to inquire how the Factories Act might best be extended to manufactures other than textile, and also into the health and education of young persons employed in them.

PARLIAMENT—RULES AND ORDERS AS TO INTRODUCTION OF NEW MEMBERS—MR. E. V. KENEALY.

MR. EDWARD VAUGHAN KENEALY, who had been returned to this House for the borough of Stoke-upon-Trent, in the room of Mr. Melly, who had accepted the office of Steward of the Chiltern Hundreds, came to the Table to be sworn without being introduced by Two Members, according to custom:—whereupon

MR. SPEAKER said: I have to point out to the hon. Member that, according to the uniform practice of this House, when a new Member comes into the House for the first time it is usual that he should be introduced by two Members of the House; and I have to ask him whether two Members of this House are prepared to so introduce him, according to the practice of the House?

MR. KENEALY: I am aware, Mr. Speaker, of the practice of the House. At the same time, I am not aware of any law or any rule which deprives the House of the right of administering the oath to me as Member for the borough of Stoke-upon-Trent. The practice of the House, as I understand it, is based upon an Order that was made in February—["Order, order!"]

MR. SPEAKER (interposing): I have to call the attention of the House to a Resolution of this House on the 23rd February, 1688, with reference to this practice. It is recorded in the Journals of this House in these terms—

"The House being informed that it was an ancient Order and Custom of the House, that, upon new Members coming into the House, they be introduced to the Table between Two Members, making their Obeisances as they go up, that they may be the better known to the House; *Resolved*, That the said order and custom be for the future observed."

This Resolution has been invariably acted on by this House up to this time. I have had diligent search made in the Journals of the House, and I do not find that any departure from the practice has ever been sanctioned. The House will observe that the object of the Resolution appears to be to identify the Member. It is my duty in this Chair to see the Resolutions of the House enforced; but should the House think fit, upon this special occasion, to dispense with its former Resolution, it will give the necessary directions. ["No, no!"]

Here MR. KENEALY interposed, saying: Am I to understand, Mr. Speaker, that you will not hear me on this matter?

MR. SPEAKER: While a question of this nature, affecting the conduct or action of a Member, is under consideration, it is in accordance with the practice of the House that the hon. Member concerned should withdraw.

MR. KENEALY withdrew accordingly.

MR. DISRAELI: I hope, Sir, that in this case the ordinary Rules will not be enforced. The identity of the new Member cannot, I believe, be questioned. Although, for myself, I think the Rule in question an excellent Rule—and it is one which I trust will be strictly observed in the future—yet I think there are circumstances connected with the present case which render it desirable that we should not insist upon its enforcement. I beg to move that the Rule be on this occasion dispensed with.

Motion made, and Question proposed, "That the said Resolution of the House be dispensed with on this occasion."—*(Mr. Disraeli.)*

MR. WHALLEY: I regret that, in moving the suspension of this Rule, the right hon. Gentleman, who is of the highest authority in this House, did not think it expedient—it could not, coming from him, be necessary—to state what are the circumstances under which it has arisen. I am surprised to find such reticence on the part of the right hon. Gentleman. Some injury might be done to individuals—not to the hon. Member who has appeared to be presented to the House—but to all those who may take an interest in the event of that Gentleman having been returned to Parliament. I think that the right hon. Gentleman should have stated what were the circumstances under which he has made this Motion. I observe, Sir, in the precedents to which you have referred that there were various customs and ceremonies adopted in old times; for instance, that hon. Members when they came to the Table should not wear their boots, and various other Rules—all these being, I take it, merely made for the convenience of the House, or that the identity of Members who present themselves should be known. It appears to me, Sir, that there is another reason why the right hon. Gentleman

should have stated the circumstances and should not have made so formal and so emphatic an allusion to circumstances which he did not state, inasmuch as it was quite competent to take cognisance on the part of the House that some form would be required to be observed. As in a case in which there are no Tellers nominated, so in this case, if it had been known to you, Sir, that no hon. Member would be able to perform the simply Ministerial duty of identifying the individual who has handed in the paper, you might have dispensed with this formal proceeding on the part of the right hon. Gentleman by calling upon some hon. Members to perform the duty.

MR. BRIGHT: I am sorry that, when the hon. Member stood at the Bar, he was not asked whether the fact of his being alone arose from a disposition on his part to disregard the ordinary practice of the House. I think if he coming to the House had wilfully—I may say on purpose—disregarded the ordinary Rule of the House, and refused to come up to the Table with any two Members who might be willing to come up with him, that is a condition of the question which I think would be very unpleasant. I am not sure that it would be more pleasant—certainly it could not be more pleasant to the hon. Member himself—if he had found himself in a position in which he could not secure the friendly services of two Gentlemen to introduce him to the House. Sir, if the latter be the case, I presume that the hon. Member for Peterborough (Mr. Whalley) at least will not object to coming to the Table with the new Member; and although I have not made the acquaintance of the hon. Gentleman, and have never spoken to him, yet, out of deference to the will of a large constituency, if he is willing to accept my companionship to the Table, I have no objection to walk up the floor of the House with him that he may be formally introduced to the Speaker. I think now before the Resolution is passed which the right hon. Gentleman has moved, it would be better, on the whole, to ascertain whether the hon. Member himself of his own free will—of his own obstinate will, if it be so—refuses to observe the Rule of the House— I think the House ought to know that before it passes the Resolution,

MR. SPEAKER: The Question is that the said Resolution of the House be dispensed with on this occasion.

MR. BENTINCK: I venture, Sir, to think that when the House is called on to come to a decision on a Motion for which, as you have informed us, there is no precedent for the last two centuries, the House ought to have more time to consider so grave a matter. I beg, therefore, Sir, to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Bentinck.)

MR. DISRAELI: I think it would be desirable that we should come to some understanding on the present occasion. I have no hesitation myself in explaining to the House what I meant by the word "circumstances." I was told that the hon. Member for Stoke-upon-Trent had not succeeded in obtaining two Members to introduce him, and I thought that it might be painful to his feelings to allude to that fact. I therefore thought the words that I used would be sufficiently intelligible. I still am of opinion that it is undesirable that in the present instance we should insist on this Rule; and I feel persuaded that if the debate is adjourned, when we meet again we shall probably adopt a similar Resolution to that which I have proposed. I trust, therefore, that the hon. Member for West Norfolk (Mr. Bentinck) will consider twice before he presses for an adjournment, and that the House will consider the Motion that I have made, and which is approved by many whose authority is great in the House, and that it will allow the hon. Member to be sworn at the Table.

Question put, and *negatived*.

MR. DODSON: I understand, Sir, that it has been explained and understood that the hon. Member for Stoke-upon-Trent has not been acting contumaciously—if I may use the expression—towards the House, but that he has endeavoured, and has failed, to secure the services of two Members to introduce him. Under the circumstances, I think there can be no further hesitation on the part of the House in agreeing to the Motion made by the right hon. Gentleman at the head

of the Government, and that it may be adopted without further discussion.

Original Question put, and *agreed to*.

Resolved, That the said Resolution of the House be dispensed with on this occasion.

Mr. Kenealy was then called to the Table of the House, and sworn.

JOHN MITCHEL.

PAPERS RELATING TO HIS CONVICTION

AND ESCAPE.—*Parl. P.* 50.

Order for Consideration of the Papers presented [16th February] relating to the Conviction and Escape of John Mitchel read:—

The said Papers read, as follows:—

Copy of Certificate by the Clerk of the Crown for the County of *Dublin* of the Conviction and Judgment in the Case of the *Queen* against *John Mitchell*.

County of the City of Dublin, To wit.

"SEARCH being made amongst the Records of the office of the Clerk of the Crown for the County of the City of Dublin, I certify that one John Mitchell was, at a Court of Oyer and Terminer and General Gaol Delivery, duly holden at the Sessions House, Green-street, in and for the County of the City of Dublin, on the Twenty-sixth day of May, in the year of our Lord One Thousand Eight Hundred and Forty-eight, indicted, tried, and convicted, for that he, on the sixth day of May, in the year aforesaid, and on divers other days as well before as after, feloniously compassed to depose the Queen from the State, Honor, and Royal Name of the Imperial Crown of the United Kingdom, and to levy war against the Queen in that part of the United Kingdom called Ireland, in order by force and constraint to compel Her Majesty to change Her measures and counsels, and such felonious compassing expressed and declared by feloniously publishing in a certain public newspaper, called the "*United Irishman*," of which newspaper he the said John Mitchell was the proprietor, certain publications dated the sixth of May and thirteenth of May in the year aforesaid, and by divers other overt acts charged and stated.

"And the said John Mitchell, having been convicted of the felony aforesaid, was thereupon sentenced by the Court to be transported beyond the seas for the term of fourteen years.

"Dated this 10th day of February 1875.

(signed)

"EDWARD GEALE.

"Clerk of the Crown for the
"County of Dublin."

"EXTRACT from the '*Hobart Town Gazette*,'"

"Tuesday, 14 June 1853.

"Convict Department, Comptroller General's
"Office, 12 June 1853.

"ABSCONDERS.

"FROM his authorised place of abode in Hobart, since the 9th instant, John Mitchell,

per "Neptune," tried at Dublin City, 20th May 1848; 14 years; solicitor, 5 feet 9½ inches, age 37, complexion sallow, hair dark brown, eyes grey; native place, County Derry. Reward, 2l., or such lesser sum as may be determined upon by the convicting magistrate."

"Sir *W. Denison* to Earl Grey.
(No. 109—Executive.)

"Van Diemen's Land, Government House,
My Lord, 2 May 1850.

"With reference to my Despatch, No. 110, reporting the arrival of the "Neptune," I have the honour to acquaint your Lordship that in the absence of any specific directions as regards the prisoner John Mitchell, I have acted towards him in the same manner as towards the other prisoners who came out in Her Majesty's ship 'Swift,' having offered to him a ticket-of-leave upon condition that he will not attempt to avail himself of the opportunity afforded him of making his escape from the Colony.

"He has accepted the indulgence upon this condition; and in consequence of the state of his health, which was represented to me by the Surgeon Superintendent of the convict ship as being such as to render him incapable, not merely of maintaining himself, but of performing those ordinary offices which are essential to his existence, I have allowed him to reside in the same police district with the prisoner John Martin, and I trust that these arrangements will meet with the approval of your Lordship.

(signed) "I have, &c.
"W. DENISON.

"The Right Honourable Earl Grey,
&c. &c. &c."

"Sir *W. Denison* to the Duke of Newcastle.

(No. 161—Executive.)

"Van Diemen's Land, Government House,
My Lord Duke 9 July 1853.

"I HAVE the honour to report that the Irish State Prisoner named in the margin [John Mitchell] has effected his escape from the Colony.

"I enclose copy of a letter addressed to the Chief Police Magistrate by the Assistant Police Magistrate of Bothwell, the district in which Mitchell was residing, detailing the circumstances under which Mitchell left the district, and I have only to add that the subsequent pursuit of the men by the police was of no avail.

(signed) "I have, &c.
"W. DENISON.

"His Grace the Duke of Newcastle,
&c. &c. &c."

"To the Lieutenant Governor."

Sir, Bothwell, 8 June 1853.

"I HEREBY resign the 'comparative liberty,' which is called ticket-of-leave, and revoke my parole of honour.

"In pursuance of this determination, I shall forthwith present myself before the police magistrate of Bothwell at his police office, shew him this letter, and offer myself to be taken into custody.

(signed) "I remain, &c.
"JOHN MITCHELL.

"Received this day (Friday, 10th June), at 40 minutes past 10 a.m.

(signed) "W. NAIRN.

"Forwarded to the chief police magistrate, with the request that he will cause Mitchell to be apprehended and lodged in custody at the prisoners' barracks.

(signed) "W. NAIRN."

"By express I received the above communication last night, with the assistant police magistrate's report, by which it appears that he presented it to the assistant police magistrate at the police office, but before he could read it he left the office, mounted a horse he had ready, and with another person, supposed Smyth, galloped off.

"He was instantly pursued by the chief district Constable on horseback. So soon as I received the report, warrants were prepared, with descriptions, and sent to the outposts and Swanport districts, and two parties of constables dispatched over to Spring Bay.

(signed) "F. BURGESS,
"Chief Police Magistrate,
10 June 1853.

"The Comptroller General,
&c. &c. &c.

"Submitted,

"There is no further information, nor any other papers in the Comptroller General's Office on this subject; but I suggest that Mr. Mitchell's absconding should be reported to the Secretary of State.

(signed) "J. S. HAMPTON,
27 June 1853. Comptroller General.

"Let the Draft of a Despatch be prepared.
(signed) "W. D.

27 June 1853.

"Original dispatched by express to Green Ponds this day.

(signed) "BOTHWELL."

"Bothwell Police Office,
9 June 1853, 1 p.m.

"Sir,
"I HAVE the honour to report, for your information and that of his Excellency the Lieutenant Governor, that the State prisoner named in the margin [John Mitchell] has just entered my office, and placing in my hands the enclosed communication addressed to the Lieutenant Governor, instantly quitted before I could peruse the note, and mounting a horse, which he had in waiting at the gate, galloped furiously off.

"Mr. Mitchell was accompanied by a short man wearing a moustache whom I have once seen with him at this office before, and whose name I am informed is 'Smith.'

"In a few minutes after this occurrence the Chief District Constable was in his saddle and in pursuit.

"I feel I cannot pass over the last line in Mr. Mitchell's note where he says, 'offer myself to be taken into custody,' without stating in explanation that I can only characterise the expression as a deliberate lie.

"I shall instantly dispatch an express to Launceston and George Town.

"I have, &c.
(signed) "G. A. DAVIS, A. P. M.

"The Chief Police Magistrate."

JOHN MITCHEL — TIPPERARY ELECTION.

RESOLUTION. NEW WRIT ORDERED.

MR. DISRAELI: Mr. Speaker, I wish to address you on a question of Privilege. The electors of the county of Tipperary have returned to this House as their Member a convicted felon—Mr. John Mitchel—who is thereby incapacitated from taking his seat in this House. Mr. John Mitchel was tried for treason-felony in the year 1848. He was found guilty, and sentenced to 14 years' transportation. After a comparatively short period he escaped from his imprisonment, and he has neither fulfilled the sentence which was awarded to him, nor has he received a pardon from Her Majesty under the Great Seal. He therefore remains a convicted felon, and is incapacitated from taking a seat in this House. Under these circumstances, Sir, I therefore beg to move the first Resolution, which is in your hands.

Motion made, and Question proposed,

"That John Mitchel, returned as Member for the County of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House."—(*Mr. Disraeli.*)

MR. O'SHAUGHNESSY said, he did not rise to dispute at that moment the facts stated in the Return that had been laid on the Table, nor to discuss the legal or constitutional principles laid down in the Notice of Motion given by the Prime Minister, nor to discuss the applicability of those principles to the case now before the House. He abstained from doing so for two reasons—first, because he thought it only deferential to the electors of the county of Tipperary and the gentleman interested in that matter to allow them an opportunity—when they had seen the legal doubts which had been so suddenly raised by the Law Officers of the Government—of considering what course they would pursue; and, secondly, because neither he himself nor any of those with whom he usually acted had had time to consider and come to any conclusion as to the position laid down in the Motion or as to the course that should be adopted definitely under the

circumstances. He had an appeal to make on behalf not only of the electors of Tipperary, but of every constituency in the United Kingdom, who would be affected by any precedent that might be created on that occasion; on behalf also of Mr. John Mitchel, who was affected not only in reference to his title to a seat in that House, but also with regard to very serious charges that affected his character, if any of the statements contained in the Paper laid upon the Table of the House were true. He wanted a little more time, to enable everyone who was interested to consider that question. He did not ask specifically that the matter should be referred to a Select Committee, or that the electors of Tipperary and Mr. Mitchel himself should be permitted to address the House by counsel, or that time should be given in order that the electors of Tipperary might present a Petition, in the now constitutional way, to the Court of Common Pleas. He asked for none of those things, for the time allowed them had been so brief that he could not undertake to bind any of the parties interested to adopt any specific course, but he merely asked for a short time to consider what course ought to be taken. What were the facts of that case? The nomination for the county of Tipperary occurred last Tuesday. Before it occurred, there were several meetings held throughout the entire of that extensive county which were attended by a Gentleman who sat in that House, whose veracity and character were unquestioned—he referred to the hon. Member for Westmeath (Mr. P. J. Smyth). That Gentleman told the electors of Tipperary that Mr. Mitchel came there fortified by the opinions of Irish and English counsel, that any doubt as to his right to sit in Parliament was of no value, and that he had beyond doubt the right to take his seat if he were returned by the county of Tipperary. Now the Irish Government was never slow to speak its mind on what occurred in Ireland; and, notwithstanding the readiness with which it generally put forth its views, it had never, either by notice given to the sheriff or by proclamation, intimated to the electors of Tipperary that they would be running the risk of sacrificing their votes by electing Mr. Mitchel. Mr. Mitchel, he might add, had been over in Ireland last autumn, and everyone in the country was aware

that if a vacancy occurred in any popular constituency there he would have been a candidate for the representation. All that time, however, no action was taken by the Government. They might have arrested Mr. Mitchel quietly, without inflicting any great pain upon his person or his feelings, and thus have saved the constituency from giving an ineffectual vote. But they had done nothing of the kind. They had allowed him to come to Ireland, and now that the electors of Tipperary, having for so long a time been lulled into security by the action of the Government, had elected him, what was the course which was taken? The hon. Member for Mid-Kent (Mr. Hart Dyke) had come down to the House the other evening, without giving any Notice, and had moved at half-past 7 o'clock for Papers with regard to Mr. Mitchel's conviction, and his departure from the place where he was imprisoned. He had, moreover, done so on an evening when the business was not interesting, when very few English Members were in attendance, and when the number of Irish Members was naturally very small indeed; so that had it not been for his hon. and gallant Friend the Member for Galway (Captain Nolan), with one or two others, the Motion would have been agreed to without opposition, while those interested in affording the people of Tipperary an opportunity of speaking their minds on the question were left only a few hours for consultation between half-past 7 and bed-time. He believed he might add that the first of the Papers which had been moved for had the date of the 10th of February, 1875, and surely the Government on that day knew that Mr. Mitchel's address to the electors of Tipperary was looked for, and would have acted more fairly to the electors and to Mr. Mitchel if they had stated their views on the subject more frankly. The Motion for Papers having been made, it struck the right hon. Gentleman at the head of the Government that it would be only fair that he should give Notice of the Motion which he had submitted to the House that evening—and what, he would ask, was the result of all those proceedings? Of course the news of what took place in the House overnight would only be spread in Tipperary at 8 or 9 o'clock the next morning—and the result was that there was only 36 hours for the electors of Tippe-

rary to come to a conclusion as to what course they should pursue, to take counsel's opinion, or to become acquainted with the legal bearings of the question and the consequences of the Motion that had been introduced. Mr. Mitchel did not reach Cork until 3 o'clock on Wednesday morning, and he, too, had only the same time left him to consult with the electors as to what should be his line of conduct under the circumstances in which not merely his political rights but his personal character were so much at stake. He thought that he did not use an unsuitable word when he said that that was a very undignified haste that left only 36 hours to the constituencies of the kingdom to consider a precedent that might be perhaps hereafter found applicable to very different circumstances. There were, he might add, legal questions of a very grave nature connected with the subject, which he did not, however, propose on the present occasion to discuss; but if the House would allow, he would read the opinion of a person of great experience in legal matters as to some difficulties which arose in connection with the case. The learned 'gentleman to whom he referred said that there was a question involved in it which he could not but think ought not to be decided without giving Mr. Mitchel and the electors of Tipperary an opportunity of having the judgment upon it of some legal tribunal. He also said—

"It may be fairly argued, notwithstanding his escape, that he has endured his sentence to transportation. So far as I am able to make out, the sentence meant nothing more than actual banishment from the country. The time for petitioning against the return has not expired, and if the House of Commons determines the matter now, it will take it away from the determination of the legal tribunal."

Now, the Elections Act of 1868 provided that from and after the next dissolution of Parliament, no election or return should be questioned, except in accordance with the provisions of that Act. The learned gentleman of whom he was speaking went on to say that he did not think the case of O'Donovan Rossa at all furnished a precedent for that of Mr. Mitchel, inasmuch as the former was elected while his period, not of transportation, but of penal servitude, was in full force and unexpired. He added that if the opposition to Mr. Disraeli's Motion was rested upon those broad and constitutional grounds, he should hope that they

Mr. O'Shaughnessy

would find themselves supported by many who, though strongly opposed to Mr. Mitchel's politics and courses, would not sanction an unconstitutional and arbitrary interference with electoral rights. Most hon. Members in that House, he (Mr. O'Shaughnessy) dared say, regretted such an occurrence as the election of Mr. Mitchel to that House as a thing that was abnormal and dangerous to the peace of the country; and yet he trusted that they would think that immediate action should not be taken in that case. He would undertake to show that there was some ground for holding that Mr. Mitchel's election had been preceded by some circumstances that varied it from being of such a character as he supposed they took it to be. Mr. Mitchel stood for that county at the last General Election. At that time there was a constitutional agitation going on in Ireland for the attainment of objects to which it was now unnecessary further to refer. Mr. Mitchel polled a large minority of the electors on that occasion, and he was defeated by two gentlemen of high status in the county, Colonel White and the hon. Gentleman who now represented the constituency (Mr. Callaghan). Those Gentlemen, in common with other hon. Members from Ireland, advocated the constitutional changes of which he had already spoken. Those constitutional changes had been brought under the consideration of the House by his hon. and learned Friend the Member for Limerick (Mr. Butt), the writer of the Opinion to which he had just called attention. The proposals made by him were rejected without any offer of compromise, conciliation, or concession. That being so, Colonel White resigned his seat, and then the electors of Tipperary, who had returned that Gentleman on Home Rule principles, began to think what course they ought to take, and determined to return Mr. Mitchel. And surely it was the manly and outspoken way to proceed to declare that, their hope of constitutional redress having been disappointed, they were not prepared to return another Home Ruler to repeat the same arguments to which the House had last Session turned a deaf ear. It ought also to be more satisfactory to those who wished to know the real state of Ireland, that the electors had so demonstrated the intensity of their feelings on the subject, than that

they had returned a Tory gentleman who would come down and declare that Ireland, and the county of Tipperary particularly, was tranquil, and that nothing more was required but some local reforms, and thus deceive the House of Commons. He was aware that there was a disposition to identify those who were opposed to the course taken by the Government on the present occasion with the politics of Mr. Mitchel. For his own part, he did not know what those politics were at present. He was aware that Mr. Mitchel had written a letter, in which he expressed his discontent with constitutional agitation; but he was also aware that, in addressing the electors of Tipperary, he stated it to be his intention to advocate, if elected, various reforms in the House of Commons. Perhaps it was his determination to follow in the footsteps of the hon. Member for Meath (Mr. John Martin), who, like himself, had been brought under the ban of the law. Be that as it might, so far as he himself was concerned, he had been brought to think that there was no more immoral course of action than to throw a nation into the horrors of a civil war when there was no hope of redress by that means. He believed, moreover, that the day would come when England would take calmly into consideration the state of Ireland, and when the spirit of conciliation would become so strong, that both nations would meet half way to settle the differences between them. History had taught him that, although Parliament might for a long time refuse to make the concessions which justice demanded, yet in the end they were always granted, sometimes, it might be, under the pressure of political exigencies, as was the case with his own country in 1782. In conclusion, he would move the adjournment of the debate for a week; but if the Government would accede to the appointment of a Committee, or adopt any other course whereby the electors of Tipperary would have an opportunity of discussing and considering the matter, he should with great pleasure withdraw his Amendment.

MR. O'SULLIVAN seconded the Amendment.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. O'Shaughnessy.)

SIR HENRY JAMES: There is no desire on the part of those with whom I have consulted to throw any obstacle in the way of the Resolution that has been proposed by the right hon. Gentleman if the House should think it necessary and right in order to maintain its high character, feeling satisfied that the right hon. Gentleman and those with whom he has taken counsel are only desirous to take a constitutional course, and one in accordance with Parliamentary usage and custom:—but at the same time, as I entertain some doubts upon the subject I shall be glad to hear the statements of the Law Officers of the Crown. It is simply because these doubts have not been entirely dispelled by the hasty inquiry I have been able to make, that I wish to have the opinions of those learned Gentlemen, whom the right hon. Gentleman has no doubt consulted, and by which the House will probably be in a great measure guided. The doubts I entertain are of a technical nature, and I will explain how they have arisen. It is quite true that Mr. John Mitchel has been convicted of treason-felony and sentenced to 14 years transportation, that he has not completed his sentence. But looking at the question in a merely technical view, it is a question which can perhaps be best discussed before a judicial tribunal, whether that conviction produced the disability sought to be imposed by this Motion. In early times, with few exceptions, all felonies were capital offences, punishable with the sentence of death, and with the sentence of death attainder necessarily followed: and it is to attainder that the disability is attached. When this question arose in 1870 in the case of O'Donovan Rossa, this House resolved, almost unanimously, that—although the offence of which he was convicted was not a capital one and no attainder followed—yet that the disability applied from the fact that O'Donovan Rossa was then undergoing his sentence, and was at the time actually in prison. It is only natural that the House should be willing to follow that precedent without attempting to carry it further, and the present question is whether the precedent applies to John Mitchel's case. The statute 9th Geo. IV., which it is evident the framers of this Resolution had in their minds, appears to me to have no bearing on the matter at all, being

merely intended to remove the only disability remaining—so far as I am aware—in relation to felony—namely, disability of a felon to give evidence. But by the Act passed in 1870—an Act to abolish forfeiture for Treason and Felony—it was provided that persons convicted of treason or felony should be incapable of being elected, or sitting, or voting in Parliament until they should have suffered the sentence passed upon them, from which it may be argued that any person convicted before the passing of that Act would not be subject to its provisions and would be capable of sitting in Parliament. Still, I think the precedent established in the case of O'Donovan Rossa ought to bind us unless it can be shown that a distinction between that case and the present exists. It appears to me that the cases do differ essentially inasmuch as O'Donovan Rossa was at the time of his election, actually serving his term of imprisonment and could act no public part until its completion. What I desire to learn from the Law Officers of the Crown under these circumstances is—whether, in the first place, John Mitchel can be proceeded against and remitted to serve out his original sentence, or whether by effluxion of time the sentence cannot be further enforced. If he cannot be forced to complete his sentence surely there is a difference between his case and that of O'Donovan Rossa. Secondly, I wish to know whether, John Mitchel having been convicted under the Irish Act, he could be proceeded against for having broken his prison now that the term of his imprisonment had expired; and, thirdly, if he could not be arrested by reason of what had occurred, what are the disabilities under which he is labouring other than those which are imposed, or intended to be imposed by the vote of this House? No doubt the House can expel a Member on good and sufficient grounds—such as having committed a misdemeanour, or that his conduct is such as to render him not a fit and discreet person to sit here. The power of expulsion, however, is one thing, and the power of declaring a man's disability another. In the former case the House can act upon its own opinion, whereas in the latter case it can only proceed upon the strict principles of law. A person who has misconducted

himself, or is even of notoriously bad character, cannot be refused admission to this House, though he may be expelled on good and sufficient grounds being shown. For it is on record that in the time of James I. there was a person of the name of Sir William Harcourt, who had been subjected to no less than 18 sentences of outlawry. Yet "on account of his merit"—which had been continued and perpetuated down to the present time—that circumstance was not considered a sufficient cause to refuse him admission to this House.

THE ATTORNEY GENERAL said: Before I proceed to answer categorically the three questions of the hon. and learned Member for Taunton, I think it right to point out, that by the case of O'Donovan Rossa, two things were, by an overwhelming majority of this House, established. First, that, notwithstanding the Act of 1868, this House declared its intention to reserve in its own hands the power of deciding such questions as arose in that case, and in the one now before the House; and, secondly, that the incapacity of a convicted felon to become a Member of this House does not depend upon attainder, but upon the judgment passed upon him for the felony of which he has been convicted. I will now answer the questions which have been put to me by my hon. and learned Friend. The first question is, whether Mr. John Mitchel can be remitted to prison in respect of his being at large before the expiration of his sentence?

SIR HENRY JAMES: Whether he can be remitted to prison without further sentence.

THE ATTORNEY GENERAL: Upon this I would observe that the Act of the 9th Geo. IV., commonly called the Irish Act, which imposes a penalty for being at large before the expiration of a sentence of transportation, differs materially from the corresponding section of the Act of the 5th Geo. IV., which deals with such an offence when committed after a sentence passed by a Court in England or Scotland. Under the latter statute any person found unduly at large before the expiration of his sentence of transportation in any part of His Majesty's dominions is liable to certain penalties; but in the Act of the 9th Geo. IV., which relates to Ireland only, the words used are, "any person found

unduly at large before the expiration of his sentence anywhere within the United Kingdom," and any person so found is made liable to the same penalties. Now, Mr. Mitchel having been convicted and transported under the Irish Act, I apprehend that his being at large within the colony of Van Diemen's Land before the expiration of his sentence was not a new offence in respect to which the penalties contained in the 9th of Geo. IV. can attach. The moment after Mr. Mitchel had given up his parole and resigned his comparative liberty, although he was "unduly at large before the expiration of his sentence within Her Majesty's dominions," it was not within the United Kingdom. This I feel bound to say, though the matter has come somewhat suddenly upon me. [*Cheers.*] Hon. Members who cheered that observation should bear in mind that I am only dealing with the question of Mr. Mitchel's liability to arrest, and I am stating what I conceive to be the effect of the statutes bearing upon the subject, so far as I have been able to look into them. Under a more modern Act, which has reference to tickets-of-leave, there are provisions subjecting the offender to a not very heavy punishment for the offence of breaking the conditions of his ticket; and it also provides for his being sent back to finish that portion of his sentence which he has not endured; but that Act does not apply to Mitchel's case. Upon the whole, it appears to me that John Mitchel could not have been arrested, either by reason of the non-service of the sentence that had been passed upon him, or by reason of his being at large before the expiration of that sentence. With regard to the second question, whether Mr. Mitchel can be proceeded against for breaking prison, the statutes of Van Diemen's Land provide a penalty in the case of persons aiding and abetting the escape of a convict from prison, but they do not, so far as I am aware, provide any punishment for the convict who escapes from prison before the expiration of his sentence. I doubt whether Mr. Mitchel can be considered to have been guilty of breaking prison, but I apprehend that escaping from prison before the expiration of sentence, of which he was clearly guilty, is a misdemeanour at Common Law in respect of which punishment can be awarded; but

the amount of punishment would be light, as the offence is not a particularly heinous one; and I think I may fairly say that no person at this time would think of prosecuting or arresting Mr. Mitchel on account of his escape. This explains why no steps were taken last year, when Mr. Mitchel was in Ireland, to arrest him. The third question was as to the nature of the disability under which Mr. Mitchel labours, if he cannot be arrested by reason of what has occurred. This is the substantial question before the House, and the answer to it is, that by his conviction in 1848, and the judgment following upon that conviction, John Mitchel became a felon, and subject to all the disqualifications attaching to one convicted of felony, one of which disqualifications was, according to the view which I take of the matter, the inability to become a Member of Parliament. As I understand the law, as it formerly existed, a person convicted of felony was a felon not for any particular period—for the particular period only of his sentence—but, having been convicted of felony, he would be a felon for all intents and purposes so long as he lived, unless he received a pardon. That, in my opinion, was the state of the law up to a period dating some 50 years back. Since that time, however, various statutes have been passed relieving felons from certain of the disabilities under which they lay. The first of such statutes was the 6 *Geo. IV. c. 25*, the first section of which provided that in any case in which the King should be pleased to extend his Royal mercy to any offender convicted of any felony, whereby the offender should be excluded from benefit of clergy, and by Royal Warrant under the Sign Manual, countersigned by one of the principal Secretaries of State, should grant to such offender either a free pardon, or a pardon conditional on transportation or other penalty, such pardon or conditional pardon so granted should have the effect of a pardon under the Great Seal. Shortly after that Act was passed, a circumstance of this sort arose—A person had been convicted of a capital felony, and had had a conditional pardon on his being imprisoned for two years. He was entitled to certain copyhold property, which was forfeited to the lord of the manor by virtue of the judgment, provided the lord had en-

The Attorney General

tered. The lord did not enter before the expiration of the two years, and the question arose—Was he entitled to enter after the expiration of the two years? This was met by the argument that, as a felon, the man was incapable of holding land, and that that incapacity had not been removed. It was held that the effect of the conditional pardon being the same as a pardon under the Great Seal, and the condition having been performed, the man had been pardoned, and was re-instated in all his rights. The Act of 7 & 8 *Geo. IV. c. 28* was to a similar purpose, “benefit of clergy” having been then abolished; these statutes were followed by 9 *Geo. IV. c. 32*, which, in the 13th section, enacted that when any person who had been convicted of any felony not punishable by death had endured his punishment, that should have the same effect as a pardon under the Great Seal. In order, therefore, for an offender to be relieved from the disabilities incident to his offence, he must obtain either a pardon under the Great Seal, or a conditional pardon under the Sign Manual, or must endure the punishment. What, therefore, is the position of John Mitchel? I think there is a disqualification in his case, because he has not received a pardon under the Great Seal, nor a pardon under the Sign Manual upon a condition performed, nor has he endured the punishment to which he was sentenced. My hon. and learned Friend (Sir Henry James) has suggested this distinction between the case of O’Donovan Rossa and the case we are now dealing with, that O’Donovan Rossa was at the time actually in prison. No doubt that circumstance was referred to by one or two speakers in the debate on the case of O’Donovan Rossa, but that was not the ground on which the decision of the House was given. The decision of the House in that case was grounded upon the fact that he was a felon who had not cleared himself of the consequences of his felony; and I apprehend that the same principle must apply to the present case—namely, that, having had sentence passed upon him, and having neither received pardon nor endured the punishment to which he was sentenced, Mr. John Mitchel is disqualified from being elected or returned as a Member of this House.

SIR WILLIAM HARCOURT said, he wished his hon. and learned Friend

the Attorney General had succeeded more completely to remove the doubts which, in common with his hon. and learned Friend the Member for Taunton, had passed through his own mind. He entirely felt with his hon. and learned Friend the Attorney General that this matter had come somewhat suddenly upon the House. He, for one, did not feel in a position to express a confident opinion upon the question, which was of great constitutional importance; and he was sure that those who had most studied it would be most disposed to admit it was a question of enormous difficulty. Now, he would put it to lay Members of the House, whether the statement of the Attorney General had not taken many of them by surprise? ["No, no!" "Hear, hear!"] Gentlemen said "No, no," very hastily; but did they know when they came to the House that John Mitchel could not be remitted to his original punishment? If they did know that they knew a great deal more than some of their instructors in the public Press. Did they know that Mr. Mitchel could not be proceeded against either for having broken his parole or for having escaped from prison? Was not that so generally believed that the Government had been charged with a dereliction from duty for not having arrested him? Therefore did not that show that there was existing in the public mind a very grave misapprehension of the real bearing of this question? The answer which the Attorney General had given in reply to the inquiries of his hon. and learned Friend the Member for Taunton were very important. Here was the fact of a convicted felon who was sentenced for a certain number of years, and who was found again in Her Majesty's dominions not having endured his sentence. Why was he not sent back to prison to undergo the residue of his sentence? The answer which every lawyer would give you was, because his sentence was exhausted. There could in reason be no other than that conclusion. If the offence which John Mitchel committed in breaking his parole and escaping from Australia had been committed by any person convicted in England, he thought his hon. and learned Friend would agree with him that he might have been proceeded against under the 5 *Geo. IV.*, c. 84, for "having been found at large

in a part of Her Majesty's dominions—namely, Australia—not having undergone the full term of the sentence of transportation." Originally that was a capital offence; but by an Act 4 & 5 Will. IV., it was commuted to transportation for life with certain terms of previous imprisonment. The fact that a person was liable to an indictment for felony did not disqualify him from taking a seat in that House. In fact, it had been decided by the Law of Parliament that a person actually under an indictment for felony was not under disability—he could sit until conviction and judgment. Well, they had this state of things—they had a felon under sentence whose term of sentence had expired, and the mere fact that he could not be imprisoned under that sentence was a circumstance which it was impossible to overlook. His hon. and learned Friend the Attorney General had stated that felony was indelible in its character, except under three processes which he named:—first of all by pardon under the Great Seal; or, secondly, by pardon under the Sign Manual; or, thirdly, by an endurance of the punishment; for which he relied on the 9 *Geo. IV.*, c. 32. He bowed with great deference to the opinion of the Attorney General; but for himself he had looked for authorities upon the proposition, but he had not been able to find one. He was not prepared to say that the proposition was not true, but he should like very much to be satisfied on that point. At the time of all those cases under former statutes to which his hon. and learned Friend had referred, and in which the Sign Manual was sought for a removal of the disability of felony, the doctrine of attainder was in force, because the felonies were capital and attainder followed. Now, as he (Sir William Harcourt) understood the matter, until the case of O'Donovan Rossa there was no authority for stating that any offence whatsoever, except one which was of a capital character, and on which of course attainder followed, constituted a disability for a seat in the House. He believed there was no such authority to be found in the case of O'Donovan Rossa. Well, what did the House do in the case of O'Donovan Rossa? It came to the conclusion—he thought a very reasonable and sound conclusion—that, though attainder had ceased in consequence of the mitigation

of the penalty, yet they would apply the disability which had formerly ensued from attainder to cases like that of O'Donovan Rossa where the sentence was still in force and where the felon was still undergoing the penalty: and they therefore declared that O'Donovan Rossa was disqualified from sitting in that House. But now the House was asked to go a step further. He would not express any opinion upon the question whether it ought to go that step further, but he wished the House to understand that this was a new course—that this was an extension of the case of O'Donovan Rossa. He had no desire to express any opinion that they ought not to come to the conclusion that an escaped convict, whose sentence was spent and who could not therefore be further imprisoned, ought not to take advantage of his own wrong, and that therefore they should establish a rule in extension of the old one applying to such cases as the present. He would give no opinion on the subject, but he wished to have time to consider it. They were about to establish a new precedent or extend an old one. That was a question of grave importance. The precedent was one which, if it was to have authority and weight in the future, would have surely more authority in the present, and more weight in the future if it appeared that the House had come to it after due deliberation upon all that might be said on the one side or the other. His hon. and learned Friend the Attorney General relied very much upon the 9 Geo. IV. as a third method of extinguishing the consequences of felony in addition to those that formerly existed by pardon under the Great Seal, or a conditional pardon under the Sign Manual. In his (Sir William Harcourt's) view the Act had no such operation. It was an Act for amending the Law of Evidence in certain cases, and in the midst of the Act, in the third section, was this provision—

“Whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of felony, not capital, who have undergone the punishment for which they were adjudged, be it therefore enacted that where any offender has been or shall be convicted of any felony not punishable with death, and has endured, or shall endure punishment, the punishment so endured shall have the like effects and consequences of pardon under the Great Seal.”

That was an entirely different view from

Sir William Harcourt

that taken by the Attorney General, which was that that Act created a new remedy in cases of felony. On the contrary, it seemed to him—though he did not desire to express a positive opinion—that it declared merely what had always existed. He did not desire to express an opinion upon either the law or the policy of this question, but he thought, after listening to the speech of his hon. and learned Friend the Attorney General, that even professional persons might hold the opinion that this was a matter into which the House would do well to inquire. For himself, he desired to express no opinion either on the law or the policy of the question, but he must point out that certain points connected with it were well deserving of consideration. He wished his hon. and learned Friend had answered more explicitly the questions put by his hon. and learned Friend the Member for Taunton. The House must have been taken by surprise when it learnt that there was no punishment applicable in the present case. His hon. and learned Friend had asked what disability attached to this convicted felon, except the disability it was proposed to apply to him by vote of the House? He wanted a more explicit answer to this question than had been given by the hon. and learned Friend the Attorney General. The House had been told that Mr. Mitchel was under no statutory liability to punishment. It was said, however, that the taint of felony was indelible and must be endured for ever unless a pardon were granted or the sentence endured. Now, in this case the sentence could not be endured because the term of the sentence had expired; therefore there remained nothing except a pardon under the Great Seal. Well, if a convict felon, not having served his term, were subject to no other disability than what this House were about to inflict, he should like to hear the opinion of the Law Officers of the Crown on the subject of forfeitures, which, according to *Blackstone* and other authorities, were the great test of felony. He should like to hear from his hon. and learned Friend the Solicitor General whether he was prepared to inform the House that after the expiration of the period of the sentence forfeiture in respect of property applied as much as it would if the sentence were still current. This was a very important matter on

which he would not offer an opinion. Lawyers entertained grave doubts whether these forfeitures could be applied in cases where the term of the sentence had expired. If his hon. and learned Friend was not prepared to say that the civil penalty still remained, the House would be called upon to pronounce a disability in the case of a person who was subject to no other disability. This unquestionably would be extending the law of disability very much beyond its present limits. Again, if the House decided by a vote to-night on the very imperfect information now before it, that Mr. Mitchel was disabled, it might happen, as had happened before, that the person declared to be disabled would be re-elected; and it might also happen that some other person would set up a claim to the seat after having given notice that the other candidate was disabled. In such a case the latter might petition for the seat, and the matter would be referred to the Judges, who might hold one opinion respecting disabilities while the House of Commons held another. This was a position in which the House ought not to be in a hurry to place itself. This was a danger which he thought hon. Members ought to take into consideration before they determined a question which was not one of opinion, sentiment, or policy, such as arose in the case of expulsion, but was a question of legality, and the House might get engaged in one of those dangerous conflicts with the Courts of Law out of which the House of Commons had not always come with the greatest advantage. If a Committee were appointed what inconvenience could arise? Its members would be persons of the greatest experience and learning in the House, who would be perfectly competent to consider all the matters brought before them. A Committee would have the advantage of the learning and authority of his hon. and learned Friends the Law Officers of England and Ireland, who, after mature deliberation, would advise the House as to the course it ought to pursue. If, therefore, there were room for any reasonable doubt—he did not say a preponderance of opinion, because that was not necessary—it appeared to him that the House would take a course consistent with its former practice and its dignity, and one which would give satisfaction to those who, whatever the decision might

be, would bow to it the more readily when they considered that it was not a hasty decision, but the result of due and calm consideration.

THE SOLICITOR GENERAL said, that notwithstanding he entertained the highest respect for his hon. and learned Friend the Member for Oxford, he must confess his hon. and learned Friend had failed to raise the slightest doubt in his mind on this question. At the outset he would remark that the question before the House was whether John Mitchel, being a convicted felon, was eligible to sit in the House of Commons? The question was not whether John Mitchel could be remitted to his punishment or proceeded against for escape, for prison breach, or for anything of the sort. With regard to his being remitted to his punishment, a question might arise under the statute, making it an offence for a man who had been transported or sent into penal servitude to be found at large without reasonable excuse; but in order to decide the matter with which the House had to deal to-night, it was not, in his opinion, in the least degree necessary to solve the question. The question which really arose was perfectly simple, and one upon which no one who had investigated it with an earnest desire to understand it could have not only any reasonable doubt, but any doubt whatever. The Common Law of the land on the subject was laid down in such great storehouses of legal knowledge as Coke's "Institutes," wherein it was stated in the most positive and decisive manner that a man attainted of treason or of felony was incapable of being elected as a Member of Parliament. The ground for that statement of the law was extracted from the writ for the election of a Member of Parliament—not that a person so attainted had become civilly dead, but because he was not "a fit and proper person," within the language of the writ, to serve in Parliament. Nobody, he thought, would dispute the good sense of the Common Law on this subject, for could anyone doubt that a man disgraced and infamous as a convicted felon was, *primâ facie*, at all events, unfit to sit in that House? This was the ground on which the statement of the law contained in Coke's "Institutes," and other well-known books, was based. Further, they would find it stated that although a man who

had been attainted of treason or felony was incapable of sitting in Parliament, that disability might be removed by the pardon of the Sovereign, and his hon. and learned Friend was in error when he supposed that at Common Law, without reference to the statutes he had cited, that disability could not be removed in any other way. An old book of the highest authority on election law, after stating that attainder of treason or felony disqualified men from sitting as Members of Parliament, went on to say—

“But if they have received a pardon under the Great Seal, or had the benefit of the clergy, or undergone the punishment of their offence, they are not ineligible unless the House declare them to be so by express resolution to that effect.”

There they had a distinct statement of the law on the subject. A doubt at one time arose as to whether a person who was not attainted for treason or felony, but was merely convicted, was disqualified. An attainder attached solely upon sentence of death being passed, and it was urged at one time, with some show of plausibility, that if the person who sought to qualify himself as a Member had not been sentenced, and had not been attainted, but merely convicted, he was not disqualified, because he did not come within the precise language of the authorities upon the subject. But that point, although it was capable of argument, had been decided in two cases which had been before the House. The first case was when a Resolution was brought forward in the House to the effect that Mr. Smith O'Brien having been “convicted” of felony, he was ineligible to sit in the House. There was an Amendment proposed that the Resolution should run that he had been “attainted.” The Amendment was rejected, and the original Resolution agreed to, that, having been adjudged guilty—which was simply convicted—of felony, he was ineligible to sit in the House. They then came to another authority in 1870, when the point was expressly decided in the case of O'Donovan Rossa. O'Donovan Rossa had been convicted under the very statute upon which John Mitchel was convicted, and the question was whether, not having been sentenced to death, and the offence not being in fact punishable by death, he was or was not eligible to

sit in Parliament; and after full and ample discussion it was decided that, having been convicted and being still under sentence, he was disqualified to sit in Parliament. There could be no doubt, therefore, upon the question that conviction was disqualification in the present day. He came, then, to the question whether anything had happened in this case which had restored the qualification lost by John Mitchel through his conviction for felony. Even at Common Law nothing could restore that qualification except a pardon under the Great Seal, or what was equivalent to a pardon. Some two or three things were equivalent to a pardon. The Act 7 & 8 Geo. IV., c. 28, made the discharge of an offender from custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, to have the effect of a pardon under the Great Seal. Then came the Act 9 Geo. IV. His hon. and learned Friend (Sir Henry James) seemed to think that this statute referred simply to the removal of the incapacity previously imposed upon a man convicted of felony, in giving evidence. The recital of the Act, however, declared that it was—

“expedient to prevent all doubts respecting the civil rights of persons convicted of felony, not capital, who had undergone the punishment they were adjudged to undergo,”

and then it went on to enact that when an offender had been convicted of felony not punishable by death, and had endured the punishment, the like effect and consequences of a pardon would thereby be produced. The hon. and learned Member for Oxford asked what would be the consequence as regarded the forfeiture of land. This point had been decided; and, if he might be pardoned for quoting a Law Report in such an Assembly, he would refer to the case of “*Evans v. Evans*” in 5 *Barnwell and Cresswell*. In that case a man had been convicted of a capital offence; his sentence had been commuted to imprisonment for two years, and he had undergone that imprisonment; yet it was held that his status was not revived because he had undergone the imprisonment, but simply because he had received a pardon under the Great Seal. This case showed clearly, he thought, what would be the consequence with regard to forfeiture or any other offence, if a person did not

The Solicitor General

endure his imprisonment. What would be the logical result of the arguments on the other side? It was maintained that if a man, who was convicted and transported under his sentence, afterwards escaped, either by violence, or without violence, he had in fact endured his sentence, or what was equivalent to his sentence. [SIR WILLIAM HARCOURT: No—I never used that argument.] At all events, it was said that if the term of the sentence had expired, as in this case, the offender's qualification was restored, and he was entitled to sit as a Member of this House. It seemed to him that if that argument were pushed to its legitimate conclusion, any ticket-of-leave man might be elected and sit in this House. It would hardly be consistent with the honour and dignity of this House that a ticket-of-leave man should have a right to sit among its Members. In 1819 a question arose as to the effect of a sentence of transportation, and it was contended that, under a statute which said that transportation should have the same effect as a pardon had, the effect of a pardon was produced simply because the offender was sent out of the kingdom. It was decided, moreover, that the words of the Act could only be satisfied by the offender remaining the term for which he was transported. Reference had been made to the statute of 1870. This was an Act for abolishing forfeitures for treason and felony. It provided that in such cases corruption in blood and all similar disabilities should be done away with; but, in order that the principle of the law might be retained, there was a distinct enactment that persons convicted under the Act, until they had suffered the punishment adjudged or received a free pardon, should be incapable of holding various offices, or of exercising the Parliamentary or municipal franchise. It seemed to him that the law with reference to such offenders after the passing of this Act was what the law was with reference to such offenders before. In conclusion, he submitted that the case was perfectly plain. John Mitchel having been convicted of felony, not having received a pardon, and not having done anything equivalent to a pardon, remained disqualified to sit in that House.

MR. LOWE: I think there are two things upon which we shall all agree. One is that this is a case of immense im-

portance. The other is that, after hearing the learned arguments which have been addressed to the House, it is a case of no inconsiderable difficulty. We can have no other wish than to do what is according to the law and custom of Parliament, and act with the most scrupulous justice and fairness in this matter. It is not because there are certain features in the case which may excite our feelings that we are to be hasty or precipitate, or lay ourselves hereafter open to the charge that we have not given this matter all the consideration it deserves. I would not presume to enter into the great legal controversy which has arisen; but if we act as we are asked to act—without further deliberation—we shall show certain signs of a haste which I should very much deprecate. Let me first refer to the terms of the right hon. Gentleman's Motion. He asks us to say—

"That John Mitchel, returned as Member for the County of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House."

The Motion is pregnant with these two admissions—first, that it is not sufficient for John Mitchel to have been guilty of felony, because other circumstances are added to make out the case; the second is that he has not endured the punishment to which he was adjudged. It is quite clear, therefore, that in the minds of the framers of the Resolution, this point is essential, as also that Mitchel has not received a pardon under the Great Seal. These are the views of the Government as they are embodied in their Resolution, and when the Attorney General rose in answer to a question distinctly put to him, whether Mr. Mitchel could be re-captured, and made to undergo the remainder of his sentence, he certainly replied in the negative; and he attached very considerable weight to that fact, as forming a strong part of the case against Mr. Mitchel. But when the Solicitor General came to speak, that hon. and learned Gentleman took an entirely different view of the matter, and laid it down distinctly that the mere fact of Mr. Mitchel having suffered a conviction for felony, whether the sentence had been enforced or not, was for all

times a disqualification for sitting in this House. ["No, no!"] That is what I understood the hon. and learned Gentleman to say, and he in no way qualified the words he used, although he may have had some qualification of them in his mind at the time he uttered them. Under these circumstances, there being this difference of opinion on the part of the Attorney and the Solicitor General, in my view we ought not to rush precipitately to a decision upon this question. Two precedents have been cited as authorities which ought to guide us in determining this case. The first of those precedents was the case of Mr. Smith O'Brien; but few hon. Members, after what they have heard with respect to that case, would like to give an opinion as to whether the fact of Mr. Smith O'Brien's attainder did or did not deprive the precedent of all value in the present case, Mr. Mitchel not having been attainted. The second precedent cited was the case of O'Donovan Rossa; but that case cannot be followed as a precedent, because O'Donovan Rossa, at the time of his election, was a criminal undergoing his sentence, and if we had held that he was able to sit in this House, we should, of course, have implied that he must fulfil his duties as a Member, and therefore we should have been compelled to hold that the mere fact of a man being elected operated as a pardon for felony. It is clear, therefore, that we have not any case which is exactly in point, and we have a difference of opinion among the legal Advisers of the Government. Therefore, without the least wish to shield Mr. Mitchel from the consequences of his conduct, and desiring that the very strictest and, if you please, the very sternest justice should be shown to this man, I must express my opinion that the House would act not unwisely if they were to appoint a Committee to look carefully into these statutes. No great injury would result from the short delay that the adoption of such a course would occasion; while—if we were to act with undue haste in the matter—we might do that which would be injurious to our dignity, and would bring about political consequences which we should all be most anxious to avoid. Having a strong conviction on the subject, I feel it to be my duty to solicit the attention of Her Majesty's Government to my proposal,

Mr. Lowe

and to ask them whether—considering how short a delay the course I have pointed out would lead to—the great complexity of the points involved, the recent alterations in the law, the difficulty of saying how far to go and when to stop, and the differences of opinion among the legal Advisers of the Government, it would not be better for them to refrain from pressing this question to a decision to-night?

MR. GATHORNE HARDY: Sir, I quite agree with the right hon. Gentleman who has just spoken that it is the duty of the House in such a case as this not to proceed without being certain of the course they are taking; and it is because Her Majesty's Government do feel that they are taking a right course, and that time is of the essence of the matter, that they venture to press upon the House that they should proceed to a decision upon this occasion. I might mention to the House many difficulties that might immediately arise if this matter were not at once disposed of. For instance, it might happen that Mr. Mitchel might appear at this Table to be sworn, and might be sworn, so far as you, Mr. Speaker, are concerned, by the fact of his coming to the Table with his return in his hand, at the very time when we were deliberating whether he should be sworn or not. I only put that as one ground why it is very desirable that we should come to a conclusion at once. With respect to the duty which we all have with regard to Mr. Mitchel, or to any other person whose seat in this House is in question, I quite admit, with the right hon. Gentleman opposite, that the matter ought to be adjudged judicially; and there is no object on the part of Her Majesty's Government to proceed against Mr. Mitchel, or any other persons specially, except in regard to the position in which they have placed themselves. I have observed throughout this debate that the right hon. and hon. and learned Members opposite have spoken, not with certainty, or endeavouring in any way to guide the House to a conclusion, but simply on the question of time, because they say that they cannot make up their minds with regard to it. On the other hand, my hon. and learned Friends who have spoken on this side of the House, after having given their greatest attention to the case, have stated their legal opinion upon this case,

and have told the House that Mr. Mitchel is in such a position that the Government must feel bound to call upon the House to act in accordance with precedents upon which it has acted heretofore, and come to a decision on this question. The question as to whether Mr. Mitchel could be re-captured is entirely beside the matter. The simple and the sole point upon which my hon. and learned Friends have relied is that Mr. Mitchel was made a felon by the conviction and judgment which was passed on him; that he has never rehabilitated himself; and that he is at this moment and remains as much a felon as he was when that sentence was passed upon him. There is no way of avoiding that effect of a conviction except, as has been pointed out by my hon. and learned Friends, by a pardon under the Great Seal, or by the fulfilment of the sentence; and we know perfectly well that Mr. Mitchel has neither obtained a pardon nor worked out his sentence. That being so, the right hon. Gentleman opposite says that there are differences of opinion on this question between the Attorney General and the Solicitor General. There is no such difference of opinion on their part at all. The Solicitor General alleged that the disqualification continued to exist, and could only be purged away by the means he expressed to the House, which was exactly what the Attorney General had previously stated to us. In what position are we with regard to Mr. Mitchel? We proceeded to deal with O'Donovan Rossa, not upon the ground that he was in prison—although the fact that he was in prison was mentioned at the time—but because he was a convicted felon.

MR. LOWE: The fact that he was in prison was mentioned in the Resolution.

MR. GATHORNE HARDY: I know that; but every one can see that the argument proceeded upon the fact, not that he was in prison, but that he was a convicted felon. Then with regard to Smith O'Brien. The right hon. Gentleman opposite says that we proceeded in the case of Smith O'Brien because he was attainted. Now, that point was taken at the time and was argued, and in the discussion upon the election of O'Donovan Rossa, the Solicitor General of the day (Sir John Coleridge) showed what was done with regard to that point in the case of Smith O'Brien. He quoted the opinion of Sir John Jervis, one of

the greatest criminal lawyers of the day, and a man whose acuteness on all subjects this House may thoroughly depend upon. Sir John Jervis said—

“Don't put in ‘attainted;’ there are many felonies on which attainder at this time of day does not follow; if you put in ‘attainted’ you will be yielding to the argument of Sir Frederick Thesiger, that it is upon attainder, and technical attainder alone, that a man becomes ineligible. I would do nothing of the sort. I recommend the House of Commons to say that what really makes a man ineligible is the conviction and the judgment on conviction.”—[3 *Hansard*, cxcix. 141.]

That is a plain, simple, intelligible proposition. In this case there has been a conviction and judgment, and the criminal, when transported, made his escape without working out his sentence. Mr. Mitchel therefore remains a felon; and, in the discharge of their duty to this House and to the country, Her Majesty's Government call upon the House to say that John Mitchel is not qualified to be duly elected.

MR. JOHN MARTIN said, he had no idea of continuing the legal argument even as an amateur. What he wanted to say was suggested by a remark of the hon. and learned Member for Oxford (Sir William Harcourt). He spoke of its being possible to proceed against Mr. Mitchel for breaking his parole. That was a question in which he (Mr. Martin) entertained a different, and a much deeper feeling than was involved in the mere legal question. That might be settled as the majority of the lawyers might think fit, and as the House might think fit; but the question of Mr. Mitchel breaking his parole was a question of honour that concerned and compromised him (Mr. Martin), and upon which, therefore, he wished to say a few words to the House. When his friend (Mr. P. J. Smyth), who subsequently assisted Mr. Mitchel to escape, came over from America to Van Dieman's Land to consult with Mr. Mitchel and his friends, the scheme which they proposed to adopt was laid in full detail before Mr. Mitchel's three comrades—he meant the three convicted felons—one of whom was a traitor, and the other two were what the House called traitor-felons. He (Mr. Martin) was one of the felons. The scheme, in full detail, was laid by Mr. Mitchel before the late Mr. Smith O'Brien, Dr. O'Doherty, now in Queensland, and himself (Mr. Martin). Each of them was

requested by Mr. Mitchel to consider the details of the scheme which it was proposed to adopt, and to tell him, upon their honour, considering the ticket-of-leave, and the "comparative liberty" which he enjoyed, and considering his parole, and the entire circumstances, whether escape by this means would be honourable or not. Each of them considered it with the conscientiousness of honourable men, and some of them gave their opinions in writing that escape effected by such means would be honourable, and in no respect violate the obligations of his parole. [*Laughter.*] Well, that was his opinion, and he valued that laugh for no more than it was worth. Some of the leading London journals had tried to compliment him as an honourable man at the expense of his friend Mr. Mitchel, but his object now was to tell every hon. Member of that House—and through that House the London Press—that if Mr. Mitchel had violated his honour, he (Mr. Martin) was responsible for Mr. Mitchel's conduct. He knew that his friend Mr. Mitchel, however he might have offended that House and the English nation, had never told a lie, and had never violated his honour. He knew that. He (John Martin), Member for Meath, who was called honourable by courtesy in that House, and who valued his honour above all other kind of reputation, declared that if John Mitchel broke his parole, he (Mr. Martin) broke his. For the decision to which the House might come he cared little, nor did he think that Mr. Mitchel cared much. He had been elected unopposed and in his absence for Tipperary, and he was the real Representative of that county, no matter how the House might decide. He was sorry to be unable to sit down without referring to the display of unamiable spirit which characterised the London Press, English literature generally, and even some Members of that House, and which led them to think that any man who was their enemy must therefore be stigmatised as a rascal and a blackguard. He thought that was a mistake. It was not chivalrous, generous, or virtuous.

MR. WHITBREAD, as a layman, had arrived at a pretty clear conviction as to what ought to be done in the present case. He certainly did not think that it would be possible, or, if possible,

practicable, to arrest Mr. Mitchel and remit him to prison for that portion of his sentence which he had not endured. They could not, in his view, treat Mr. Mitchel with any greater severity than they would any other ticket-of-leave man who had broken the conditions of his ticket; and looking to the history of the Acts which had been referred to, and to the practice with regard to the forfeiture of licences, he could not recommend Her Majesty's Government to act in that way. Indeed, if they turned to the very latest Act upon the subject, they would see in what way it dealt with the forfeiture of licences. Any action taken against the convict must be taken during the term of his sentence. If the convict broke one of the conditions of his licence he might be arrested and sent back to prison until his sentence expired. If he were summarily convicted of any offence during the currency of the ticket-of-leave, then, in addition to punishment to which he was liable for the offence, he could be sent back to penal servitude for the period of his sentence unexpired at that time; but when his sentence was over they could not touch him on account of his having broken any of the conditions of his licence. He was clearly of opinion that no action could be taken against Mr. Mitchel on that ground. On the other ground, however, his mind was perfectly clear that the action of the Government was the right one. The Act of 9 Geo. IV., c. 33, s. 3, had been very often referred to, and he wished to notice one remark in connection with that Act which was made by his hon. and learned Friend (Sir Henry James), who said that the 3rd section only applied to disability to give evidence, because it was in the Evidence Act. If, however, his hon. and learned Friend had searched a little further he would have found there was another Act passed in the same year for Improving the Administration of Justice in Criminal Cases in Ireland, and that in that Act the same clauses were repeated with this exception—that the second Act applied to cases of felony whether punishable by death or not. That Act declared that if a convict, when he had a conditional pardon given him, fulfilled the conditions of that conditional pardon, he was then in the same position as if he had received a pardon under the Great Seal. The Act did not apply to disability to

Mr. John Martin

give evidence merely, but was declaratory as to the removal of other disabilities. The case, therefore, to his mind, as a layman, seemed a very simple one. Mr. Mitchel having been convicted of felony, had lost his civil rights and had incurred certain disabilities, one of which certainly was — as the House in a recent case had already decided — inability to be elected and to sit as a Member of that House. A wise and merciful law had declared that there was a way in which he could purge himself of those disabilities and become restored to his full civil rights. He had not chosen to fulfil these necessary conditions, and therefore to his (Mr. Whitbread's) mind it was clear that he still remained under the disability. But grave doubts had been expressed upon this subject by hon. and learned Gentlemen whose opinions were entitled to great weight in that House. Some hon. Members thought that Her Majesty's Government could take upon themselves the responsibility of the step now proposed, but he did not. He did not think the Government could relieve the House from the full responsibility of the course they might take that night. The speech of Her Majesty's Attorney General had not, he thought, given them full confidence that the question had been fully considered; and therefore, though he did not himself entertain any doubt that the action proposed by the Government was the right one, yet seeing that the vote of the House would not be like a vote upon a Bill which could be re-considered, but that if they declared Mr. Mitchel ineligible their decision would be final and irrevocable, there was, he thought, considerable ground for the suggestion that the matter should be referred to a Select Committee. The right hon. Gentleman opposite (Mr. Gathorne Hardy) said there were grave objections to the adoption of that course, because Mr. Mitchel might come and demand to be sworn at the Table; but he (Mr. Whitbread) could not doubt that it was within the province of the House to prevent any such step being taken, and to come to a Resolution that Mr. Mitchel should not take his seat until the Committee of Inquiry had reported. If that were the case, then the only objection to a short delay had vanished, and he thought it would be more for the dignity and reputation of the House if,

instead of coming to a decision now, they should grant the time which had been asked; and he certainly felt that no evil would result from the adoption of such a course.

Mr. LOPES expressed his entire concurrence in the opinions expressed by his hon. and learned Friends the Law Officers of the Crown. And it was satisfactory to have those opinions so signally confirmed by the opinion of the hon. Gentleman who had just sat down. For his part, he should be most reluctant to differ from his hon. and learned Friends the Members for Taunton and Oxford (Sir Henry James and Sir William Harcourt), but they had candidly admitted that they had not had sufficient time to look fully into the question. The matter, indeed, lay in a very small compass. The facts were few, and the principle of law which governed the case was distinct and clear. It was not disputed that Mr. Mitchel had been convicted of felony, neither was it questioned that a convicted felon could not sit in the House. It was admitted that there were certain ways by which Mr. Mitchel could purge that incapacity — one was by Royal pardon, which he had not received, another by enduring his sentence under the Act of George IV. His hon. and learned Friend the Member for Taunton seemed to entertain some doubt whether that Act applied to disqualification of the kind in question; but in that view he could not concur; but if the hon. Member for Taunton was right, and a convicted felon could not be rehabilitated under that Act, it followed that nothing but a Royal Pardon would have any effect in restoring him to his civil rights. The sole question was, had Mr. Mitchel got rid of the felony of which he had been convicted? If he had not — and he was clearly of opinion that he had not — the ineligibility which it entailed remained. He submitted that the course for the House to take was perfectly clear, and that the case was on all fours with that of Mr. Rossa, the only distinction being that Mr. Rossa was at the time in prison, and that the sentence had not expired. Was it to be said that Mr. Mitchel, having eluded the vigilance of the law, was to be considered in the position in which he would have stood if he had endured his sentence? He submitted that he was placed in a different position, and

trusted that the House would adopt the course proposed by Her Majesty's Government.

THE MARQUESS OF HARTINGTON: It is hardly necessary to assure the House that anything I may say or that has been said by my hon. Friends on this Bench is not influenced by a desire either to see Mr. Mitchel a Member of this House or to see him excluded from it. To us, on political grounds, the way in which the matter may be settled is one of perfect indifference. I believe there are only one or two Members of the House with whom Mr. Mitchel would find himself in common agreement. On the other hand, I cannot think that the position of Mr. Mitchel differs so very much from that of other Members who sit in this House—that the dignity of the House would very greatly suffer from his presence. The only considerations by which we are moved are, on the one hand, the consideration whether it is due to the dignity of the House—seeing the peculiar position in which Mr. Mitchel is placed by his sentence and by his subsequent escape—that the same action should be taken in his case as was taken in the case of O'Donovan Rossa; and, on the other hand, we are influenced by the desire that the House should discuss the question on strictly legal grounds and should not import into it anything of a moral or political character. The House will not expect that I should follow the extremely intricate and technical argument which has been addressed to it on both sides. What is pretty plain is that the action of the Government was founded almost entirely, if not entirely, on the precedent in the case of O'Donovan Rossa in 1870. The hon. and learned Member who spoke last said that the case was on all-fours with that precedent. Now, I may point out to the House that the present case is not on all-fours with that of O'Donovan Rossa, because the Resolution which the House agreed to in that case stated—and it is not irrelevant to the point at issue—that O'Donovan Rossa “is now in prison and undergoing his sentence, and therefore incapable of attending the sittings of the House.” The Government did not make that statement in the present case, because they are unable to do so; and therefore it is impossible to say that the precedent is altogether on all-fours with the present case. If I

had no other reason to doubt the present case being on all-fours with that of O'Donovan Rossa I should be satisfied with the statement of the Attorney General. He said that the House had disqualified Rossa, not because he was in prison and unable to attend the sittings of the House, but “because he was a felon who had not purged himself of the consequences of his felony”—and he stated that Mr. Mitchel was in the same position. Now, there lies the whole question, and I am not convinced by the arguments I have heard on the other side. What the House requires distinctly to know is, whether Mr. Mitchel is “a felon not purged from the consequences of his felony.” I will not say that it is not true, but it has not been proved to the House; and if the House should accept that as a true conclusion, it would carry very extraordinary consequences with it. In the ordinary case of a felon not purged from the consequences of his felony it might be supposed that he was liable to something more than a disqualification to sit in Parliament. He would be liable to punishment. And this, of all the felons I ever heard of, is the only felon who, in the words of the Attorney General, cannot be proceeded against and prosecuted for breaking prison. The argument of the Attorney General is that he has committed a felony—that he has not purged himself from the consequences of that felony, and yet that he cannot be punished for that felony, although he is still under disqualification. That may be so; but it is a very extraordinary and unprecedented state of things. Other considerations have been urged which have led me to conclude that the case is not so absolutely clear as to induce the House at once to act upon it. Those who have read the debate in the case of O'Donovan Rossa will remember that very great stress was laid, and that the whole case was argued, upon the question whether he was legally disqualified or not. The House was not invited to consider whether Rossa was morally disqualified. I will not say for a moment whether Mr. Mitchel is morally disqualified or not. What the House is invited to consider is whether he is legally qualified or disqualified, and the matter is not so free from doubt as some hon. Members imagine. With regard to the argument of the Secretary for War, if we sup-

Mr. Lopes

pose for a moment that Mr. Mitchel, pending the deliberations of a Committee of this House, were to take his seat as a Member, that would be a much less misfortune than if by any accident or undue precipitation the House should arrive at a wrong conclusion. I trust that, under the circumstances, the Government will not think it unworthy of them to appoint a Committee. If they do not, and the House proceeds to a division, although I should prefer, for the reasons I have given, that the matter should be referred to a Select Committee, I shall have no difficulty in voting with the hon. Member (Mr. O'Shaughnessy) in favour of the adjournment. If the House would allow that Motion to be withdrawn, and if another Motion were substituted for it—namely, the appointment of a Committee—it seems to me that the issue would be raised in a fairer manner.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he must claim the indulgence of the House for a few observations which he, as an Irish Law Officer, was called upon to make—because the most important and solemn part of the speech of his hon. and learned Friend the Member for Oxford (Sir William Harcourt) was when he asked what was the state of affairs as regarded John Mitchel's legal position in Ireland, and whether the Government were prepared to prosecute him. He wanted to know, in fact, what the Government were prepared to do in the way of taking criminal action against Mitchel; and, if they were not prepared to do so, whether they could justify the present proceeding, and ask the House to inflict upon him this very serious penalty. They—the Government—had considered the subject carefully, and they did not think that proceedings could be taken against Mitchel. And for these reasons. It had been already explained that the Irish statute relating to persons at large before the termination of their sentence did not cover the case of an offender who was found at large in any part of Her Majesty's dominions outside the United Kingdom; and, therefore, the Government could not proceed against Mitchel on that ground, he having been convicted in Ireland. Nor could they indict him for prison-breach, because there was no actual force employed; nor yet as regarded the smaller offence of an

escape could he be arrested in this country. That being the case, they were asked how the Government ventured to come to the House and represent to it that Mitchel was unfit to be elected a Member to represent the county of Tipperary. The simple answer was set out on the face of the Papers laid before the House—namely, that he was a felon adjudged guilty of felony, whose disability had not been removed in either of two ways—either by obtaining a pardon from the Crown or by enduring the punishment recorded against him. There had, in truth, been only two questions raised which seemed to throw doubt upon the Resolutions that the Government had put upon the Paper. The first was the question raised by his hon. and learned Friend the junior Member for Limerick (Mr. O'Shaughnessy), who did not so much raise it as his own objection as on account of the letter written by his Colleague, the senior Member for Limerick (Mr. Isaac Butt), which appeared in that morning's journals. Now any suggestion which was made by the hon. and learned Member for Limerick on such a point of law was entitled to the utmost consideration, and the House would therefore, perhaps, allow him to explain why, in his opinion, it need not pause in the course which the Government invited it to take, because of that difficulty. What the hon. and learned Member for Limerick suggested was that it might at least be fairly argued that notwithstanding Mr. Mitchel's escape he had endured the sentence of transportation. The hon. and learned Gentleman went on to say that so far as he had been able to learn such a sentence originally amounted to nothing more than mere banishment out of the country for the period mentioned. But if that were so, on what authority, he should like to know, had Mr. Mitchel been detained in Van Diemen's Land? It was quite plain it must have been under an adjudication of some kind; and as there was but one adjudication against him, it must have been under that; therefore, unless his detention was perfectly illegal, he had entirely disposed, he contended, of the argument of the hon. and learned Member for Limerick. But the hon. and learned Gentleman added—

“It is true that before 1848 there were statutes enabling the Sovereign and the Lord Lieutenant

to make regulations respecting transported persons; but, unless submission to the regulations was made a portion of the sentence, it meant nothing more than being carried beyond seas and remaining beyond seas for its term."

Well, submission to the regulations might not be made portion of the sentence by the words of a Judge; but it was so made by the words of the statutes. The English statute was to the effect that every offender sentenced to transportation beyond the seas should be subject to the provisions of the Act; and those provisions were such as to enable the colonial Governor to apply to him the required discipline and to keep him in custody. Then another Act extended the English statute to Ireland, and went on to provide that it should be lawful for the Secretary of State to order the removal of a person so sentenced to transportation to the Colonies, and that being so removed he should be subject to like supervision and control as that which was prescribed by the former Act. Those two statutes must, he maintained, be read side by side with that which enabled the Court in Dublin to pronounce the adjudication against Mr. Mitchel, and, being so read, his sentence could not be said to have been endured, for it was quite impossible fairly to maintain that transportation under such circumstances meant nothing more than mere banishment. Again, a difficulty had been hinted by the hon. and learned Member for Oxford, who, having given proofs of that learning and research which he always displayed, ended by expressing no opinion of his own, nor did he assert any positive doubt as to the justice of the proposal which was made by the Government; and had, he (Mr. Plunket) would ask, any good reason been shown by any hon. Member why the House of Commons should stop in this great constitutional proceeding, and should not at once follow the precedents upon which it had always acted when it declared that a felon who had not expiated his crime or suffered his allotted punishment should not be permitted to come there as one of its Members? The case of O'Donovan Rossa was said by some to be not on all-fours with the present, because he was then actually in prison undergoing his sentence; but the Resolution which prevented him from taking his seat set forth that his claim to do so was

The Solicitor General for Ireland

refused because his sentence was unexpired. It was for the same reason that the House was invited that evening to pursue a similar course. Mr. Mitchel, too, was an unpardoned felon, who had not endured his punishment, and clothed himself again with citizenship, and there was no precedent for allowing such a person to take his seat in the House of Commons. And was there, he would ask, anything in the case of Mr. Mitchel which ought to induce the House to strain a point in his favour? Surely there was not. The noble Marquess opposite, who spoke in a spirit of which it was not for him (Mr. Plunket) to complain, had said that after all there were a good many persons in that Assembly who were not much better than Mitchel. From that statement he must entirely dissent. There was, he believed, no one among them who, having been released on parole, had taken advantage of "the comparative liberty" accorded to him to break that parole, and escape to a foreign land, where he passed his time, until by a technicality he was able to return to his native country to beard a Government which had treated him with great leniency and compassion. He would, however, comment no further on the conduct of Mr. Mitchel in that respect, but would conclude by reading a passage from a speech of a great Statesman to whose words the House always listened with respect, and who knew men well. In 1856, at the conclusion of the peace with Russia, Mr. Duncombe asked the First Lord of the Treasury—

"Whether, in consequence of the numerous memorials presented at different times in favour of a full and free pardon to Messrs. Frost, Williams, Jones, Smith O'Brien, and other political prisoners, whose conduct during exile has been without reproach, it is the intention of Her Majesty's Government, on the celebration of peace, to advise Her Majesty to comply with the prayer of those memorials, and thereby enable those exiles to return to their native land?"—
[3 *Hansard*, cxlii. 262.]

Viscount Palmerston said—

"He must request the indulgence of the House, as it was against rule for him to speak again after moving the adjournment. He had great pleasure in stating to his hon. Friend and to the House, that the announcement which had appeared in the papers this morning was entirely and perfectly true. Her Majesty, following the impulses and dictates of those generous feelings by which she was so eminently distinguished, had determined to take advantage of the return of peace, and of the unexampled loy-

alty which prevailed from one end of her dominions to the other, to do an act of grace and clemency towards all persons under sentence for political offences, with the exception of those unhappy men who had broken all the ties of honour and fled from their place of banishment."—[*Ibid.*]

MR. W. E. FORSTER must remind the hon. and learned Gentleman who had just addressed the House that they were not called upon to decide this Motion with reference to the question whether John Mitchel had acted dishonourably or not. It was not on that issue that he thought the hon. and learned Gentleman must himself desire to have it decided. It was just possible there might be hereafter a ground for the expulsion of Mitchel on that account; but surely they ought not to confuse the decision at which they might arrive by introducing that question or exciting the feelings of hon. Members in regard to it. The hon. and learned Gentleman, no doubt, was anxious they should decide purely on the question of law; but he must for himself state that he gave even a wider definition of this desire to act upon purely legal grounds than had yet been given. He did think that when it was a question of disputing the verdict of a large constituency, the benefit of any doubt ought to be given to that constituency. That was the principle which should be applied to all the Three Kingdoms. They should apply it to their own constituencies, and, indeed, it was the only safe principle which Parliament could now follow. But he would go further and say if he had any doubt that this ought to be the principle, the doubt would not apply in this case; for remembering the feelings which, unfortunately, were held by many of their Irish fellow-subjects, he should be exceedingly loth that any Irish constituency, more or less reluctant to join in the British Imperial Parliament, should find that the Member they did send from that constituency should be refused admission on any but the most distinct and decided grounds. He came down to the House, thinking he should have very little difficulty in this matter; but he was very much mistaken if any hon. Member had the same feeling of certainty now that he had before entering the House. There had been difficult legal arguments on both sides, and admissions had been made by hon. and learned Gentlemen which rendered the

question by no means so clear. There were three grounds on which it appeared to him John Mitchel might be refused admission to that House. They might be able to state that it was the common law of England that a man in his position should not be a Member of Parliament; or they might say there had been decisions of the House in former cases, according to which he was disqualified; or they might say that because this was a new case, and a case so very clear, they should come to a resolution that he should be excluded. As regarded the first of these grounds, he observed the assertion which had been made by the hon. and learned Gentleman opposite (the Solicitor General for Ireland): he said, John Mitchel, being a felon, was adjudged guilty of felony. The Resolution did not say he was a felon. That was the very point on which they were ignorant, and which they wanted to be thoroughly settled—whether John Mitchel was at this moment a felon or not. His hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) said that the felony was exhausted, and he watched to see what answer the Solicitor General would make to that statement; but he made no reply to it. But he was told John Mitchel was in a position in which he had thought none of Her Majesty's subjects could be—that he was a felon who could not be punished. He confessed he had always thought that a felon was a man who was either undergoing punishment or could be punished the moment he was got hold of. There seemed to be a doubt whether John Mitchel was a felon or not, and at any rate there was a great difference between his case and that of O'Donovan Rossa, for that man was under sentence at the time of his election, and that made it impossible for him to attend to his duties in that House. Then came the question whether, supposing the case to be a new one, the House ought to admit or exclude John Mitchel? But could the House decide that serious question at present? Would not their decision have greater force in Ireland if it were known there that they had come to a fair verdict after receiving the Report of a Select Committee? He would ask the Government to consider for a moment whether their own Resolution would not have greater force if agreed to after a full discussion and de-

liberation of such a Committee? Her Majesty's Ministers were responsible for the government of the country; but he contended that they would find that government much easier if they should be able to point to the decision of a Select Committee and say that it excluded John Mitchel from being present in that House, instead of asking the House to say that after this hasty discussion. There being a great difference of opinion among hon. and learned Members at present, he considered that there ought to be a Committee composed of those Members whose names would carry the most weight with the country.

Mr. DISRAELI: Sir, the right hon. Gentleman who has just addressed us, said he came down to this House, and anticipated a very short discussion in consequence of the simplicity of the issue we laid before the House; and then the right hon. Gentleman made a speech, the object of which was to prolong discussion and to postpone decision. He recommends us to refer to a Committee what the House ought to decide itself. And on what ground are these latter sentiments of the right hon. Gentleman so different from the feeling with which he entered the House to-night,—on what ground are they founded? Why, upon the contradictory opinions which have been expressed during this discussion upon the subject before us. I have not heard any contradictory opinions. I have not left the House for a moment. I have listened attentively to every word which has been expressed, and these contrary decisions have not reached my ear. There have been no contrary decisions on this side of the House; and on the other side there have been no decisions at all. One right hon. Gentleman after another has got up to express his inability to come to any conclusion—telling us he could not decide; and the hon. Gentleman—whose opinions will always be received in this House with the respect they deserve—the hon. Member for Bedford (Mr. Whitbread) was the single exception on the other side of the House who did give an opinion—and he gave it in favour of the Resolution of Her Majesty's Government. Some hon. Gentlemen opposite seem to think that we are taking an interest in this case as if all our party feelings were involved in it. I can say for myself no Motion I have ever brought forward in this House

has given me more pain than the present. These are exactly the Motions to make which those who are responsible for the government of the country must feel to be one of the most painful duties of public life; but it is a duty we must perform to the House and the country. I do not say, as some have said before me, with great deference to the legal Gentlemen who have addressed us, that it is not for a layman to speak on subjects of this kind. He may speak with less authority, perhaps; but every Gentleman who is a Member of this House has a right, and it is his duty, to express his opinion on this subject. The power, the honour, and responsibility of Parliament, which are the foundation of its real authority, are largely involved in this question of Parliamentary law and privilege; and when I am told we should refer this question to a Committee—when I am told that by right hon. Gentlemen who show, by the hesitation of their minds, that they are not prepared to go into that Committee with much confidence in their own discrimination and opinion, I must ask myself whether the consequences of such a policy may not be such a deviation from the duty of Parliament that it must tend to lower it in the opinion of the country. What is the simple issue before us, and on which I trust we shall now come to a decision? The issue is this. We find that a convicted felon has been returned a Member to this House. We know that he is incapacitated from sitting in Parliament by being a convicted felon. He was tried in 1848, and was adjudged a sentence of transportation for 14 years. He broke his imprisonment—that is the correct word, though connected with transportation—and he has not in any way, by the acknowledged legal and constitutional modes recognized in this country, either by the exercise of the Prerogative of the Crown, or by the fulfilment of the penalty awarded to him, rehabilitated himself in the position he formerly occupied. Then we are told that, having given his parole not to exceed the bounds of his imprisonment, he one day broke it, and could wander, if he liked, over all Australia or Europe with impunity, and, therefore, we must look upon this circumstance as equivalent to his having fulfilled the penalty adjudged by the law. Well, Sir, I ask are we to accept any such proposition as that? Are we here

Mr. W. E. Forster

in the House of Commons to announce that a man who took advantage of his own wrong should be able to plead his own misconduct as a good and sufficient reason why he should be permitted to avail himself of the privileges which are the most highly esteemed in this country, and which every honourable man is justly proud of? It was said early in the debate—and the opinion of an absent Member has been quoted from a letter—that transportation for a term of years means nothing more than allowing an individual to travel at his pleasure. I myself do not think so. Transportation involves *duress*; every lawyer and law-book will tell you that transportation is not merely exile. Transportation is carried out under statutes; it involves *duress*, and necessarily discipline and imprisonment, however extended the bounds which are permitted by a lenient Government or an indulgent Governor. You cannot for a moment allow a quibble of this character. This is a question upon which the House of Commons ought to decide, and it ought to decide with promptitude. I deeply regret that we are called upon to decide it; but we have to do our duty, and, if we have, let us do it completely. Do not let us say that we really do not know what are our own privileges. Do not let us say that we must have a Committee to examine into those musty precedents of which we heard the other evening, and that we really have so little confidence in our own intelligence and our own resolution that a convicted felon may come to this Table, although almost every Member of this House disapproves his taking a seat, because no one has the courage to come forward and ask the House of Commons to declare its own law and what is also the ancient law of the country. I trust, therefore, that we shall decide, and decide without doubt, upon this question. The Resolution which has been brought forward appears to me to express with clearness the point before us. And here I must say I was surprised to hear from the right hon. Gentleman who spoke just now, a criticism that we had brought forward a Resolution which did not even pretend to express that Mitchel was a felon. Now, when I look to the language of the Resolution I read—“that John Mitchel, returned as a Member for the County of Tipperary,

having been adjudged guilty of felony,” &c. What more could the right hon. Gentleman expect? He appears not to know what a felon is. I contend that it is no part of my duty to teach the right hon. Gentleman what a felon is; but it is part of my duty, if a felon is returned to Parliament, comes to this Table, and claims to be a Representative of the people, so long as I am sitting in this place, to call upon the House of Commons to avenge its outraged privileges, and to say that “until, either by the favour of the Crown or by your own dutiful conduct, you shall have cleared yourself from this flaw you shall not take your seat in the House of Commons.”

MR. RONAYNE said, he would take no part in the legal or constitutional question which had been discussed. Mr. Mitchel had been accused of having broken his parole. It had been reserved for an Irishman first that night to accuse Mr. Mitchel of dishonour, according to the proverb that if one Irishman was to be roasted you would get another to turn the spit. The hon. and learned Gentleman to whom he referred had also said that there were men in the House not much better than Mitchel, alluding, he presumed, to him (Mr. Ronayne) among the rest. [Mr. PLUNKER dissented.] He admitted he was not much better. He had not the honour of being a convicted felon in 1848, but he ought to have been. There was no prouder reminiscence of his life than that he had been a member of the Young Ireland Party, who were remarkable for their ability, for their talents, and, above all things, for their honour. A course of action which had been approved by the late Smith O'Brien and by the hon. Member for Meath (Mr. Martin) would pass in any country as honourable. The magistrate who reported Mr. Mitchel's escape stated that the prisoner entered his office, instantly quitted it, and, mounting a horse, fled before he had time to read the letter handed to him. He also said he was accompanied by a short man of sallow complexion, whom he had seen once at his office, and whose name he was informed was Smyth. Many hon. Gentlemen in the House had seen and known the man called Smyth, and he now held in his hand a telegram from that gentleman, to the effect that the statement of the magistrate was false; that Mitchel gave him full time to peruse his note,

and told the magistrate twice before leaving the office what brought him there. The Habeas Corpus Suspension Act was in 1848 passed in one night, and the proceedings to-night were as precipitate and stringent, for no time had been given to have documents printed, and consequently they could not calmly and properly consider the conduct of chivalrous John Mitchel. He contended that these proceedings would have a bad effect on Irishmen; and though he had taken no part in the election because he had joined the Home Rule Party, yet it must not be supposed that Home Rulers would abandon Mr. Mitchel, or that the electors of Tipperary would not do again what they had done.

MR. O'SHAUGHNESSY said, that he proposed to withdraw his Amendment should one for the appointment of a Select Committee be made in substitution of it.

MR. O'CLERY entered his protest against the act of Her Majesty's Government, who were endeavouring to deprive of their legal rights the electors of the great county of Tipperary. The Government, by infringing the law, and thus placing themselves in the position of accessories before the fact, were bringing the Constitution into contempt. He denied that Mitchel was a revolutionist; on the contrary, he was Conservative in the true sense of the word. At a time when the Government was allowing a million of the Irish people to die of starvation, it was natural that a young Irishman should denounce its action, as John Mitchel did in 1848. His conviction was one of the most tyrannical acts done by any Government in modern times. In that same year the English Government lectured many of the Continental Governments in regard to the treatment of political offenders, but it stultified itself by its conduct towards Mr. Mitchel. In seeking to justify its proceedings in the eyes of Europe it did not hesitate to decry the personal character of the man, and it even went the length of inventing a new crime which it called by the name of treason-felony. He strongly protested against the Resolution of the right hon. Gentleman opposite.

Question put.

The House divided:—Ayes 102; Noes 269: Majority 167.

Mr. Ronayne

AYES.

Adam, rt. hon. W. P.	Johnstone, Sir H.
Balfour, Sir G.	Kensington, Lord
Barclay, J. W.	Kinnaird, hon. A. F.
Bazley, Sir T.	Leatham, E. A.
Beaumont, Major F.	Lefevre, G. J. S.
Biddulph, M.	Leith, J. F.
Biggar, J. G.	Lewis, O.
Blennerhassett, R. P.	Lloyd, M.
Bowyer, Sir G.	Locke, J.
Bristowe, S. B.	Lowe, rt. hon. R.
Brogden, A.	Macdonald, A.
Brown, A. H.	Macgregor, D.
Browne, G. E.	McCombie, W.
Cameron, C.	McKenna, Sir J. N.
Campbell—Bannerman, H.	Martin, J.
Carter, R. M.	Monck, Sir A. E.
Chadwick, D.	Moore, A.
Chambers, Sir T.	Newdegate, C. N.
Clarke, J. C.	Nolan, Captain
Collins, E.	O'Byrne, W. R.
Colman, J. J.	O'Clery, K.
Cowen, J.	O'Connor, D. M.
Cross, J. K.	O'Gorman, P.
Crosley, J.	O'Loughlen, rt. hon. Sir C. M.
Dickson, T. A.	O'Reilly, M. W.
Dilke, Sir C. W.	O'Sullivan, W. H.
Dillwyn, L. L.	Pennington, F.
Dixon, G.	Plimsoil, S.
Dunbar, J.	Power, J. O'C.
Earp, T.	Power, R.
Ennis, N.	Redmond, W. A.
Errington, G.	Richard, H.
Fitzmaurice, Lord E.	Richardson, T.
Forster, Sir C.	Ronayne, J. P.
Forster, rt. hon. W. E.	Shaw, R.
Gladstone, rt. hn. W. E.	Shaw, W.
Goschen, rt. hon. G. J.	Sheil, E.
Gourley, E. T.	Sheridan, H. B.
Gower, hon. E. F. L.	Sheriff, A. C.
Harcourt, Sir W. V.	Simon, Mr. Serjeant
Harrison, C.	Stacpoole, W.
Harrison, J. F.	Sullivan, A. M.
Hartington, Marq. of	Swanston, A.
Havelock, Sir H.	Tracy, hon. C. R. D.
Herschell, F.	Hanbury-
Hill, T. R.	Trevelyan, G. O.
Holms, J.	Ward, M. F.
Holms, W.	Whitworth, W.
Hopwood, C. H.	Williams, W.
Howard, hon. C. W. G.	Young, A. W.
James, W. H.	TELLERS.
James, Sir H.	Conyngham, Lord F.
Jenkins, D. J.	O'Shaughnessy, R.

NOES.

Adderley, rt. hn. Sir C.	Beach, W. W. B.
Anderson, G.	Beaumont, W. B.
Anstruther, Sir W.	Bentinck, G. C.
Arkwright, A. P.	Beresford, Lord C.
Arkwright, R.	Beresford, Colonel M.
Ashbury, J. L.	Bolckow, H. W. F.
Baggallay, Sir R.	Boord, T. W.
Bailey, Sir J. R.	Bourke, hon. R.
Baring, T. C.	Bourne, Colonel
Barrington, Viscount	Bousfield, Major
Bassett, F.	Brasey, T.
Bates, E.	Bright, R.
Bathurst, A. A.	Brise, Colonel R.
Beach, rt. hn. Sir M. H.	Bruce, hon. T.

Bruen, H.
 Buckley, Sir E.
 Bulwer, J. R.
 Burrell, Sir P.
 Callender, W. R.
 Cameron, D.
 Campbell, C.
 Cave, rt. hon. S.
 Cave, T.
 Cayley, C. E.
 Cecil, Lord E. H. B. G.
 Chapman, J.
 Christie, W. L.
 Churchill, Lord R.
 Clifford, C. C.
 Clive, hon. Col. G. W.
 Clive, G.
 Clowes, S. W.
 Cobbold, J. P.
 Cole, H. T.
 Coope, O. E.
 Corbett, J.
 Cordes, T.
 Corry, J. P.
 Cotes, C. C.
 Cowan, J.
 Cowper, hon. H. F.
 Cross, rt. hon. R. A.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalrymple, C.
 Davenport, W. B.
 Deakin, J. H.
 Denison, C. B.
 Denison, W. E.
 Dickson, Major A. G.
 Disraeli, rt. hon. B.
 Dodson, rt. hon. J. G.
 Dyott, Colonel R.
 Edmonstone, Admiral
 Sir W.
 Edwards, H.
 Egerton, hon. A. F.
 Egerton, Sir P. G.
 Elcho, Lord
 Ellice, E.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Elington, Lord
 Evans, T. W.
 Ewing, A. O.
 Eyton, P. E.
 Fielden, J.
 Fellowes, E.
 Fergusson, R.
 Forester, O. T. W.
 Forsyth, W.
 Fraser, Sir W. A.
 Freshfield, C. K.
 Gardner, J. T. Agg-
 Gardner, R. Richard-
 son-
 Garnier, J. C.
 Gibson, E.
 Gilpin, Colonel
 Goldney, G.
 Goldsmid, Sir F.
 Gooch, Sir D.
 Gordon, W.
 Gorst, J. E.
 Grantham, W.
 Greenall, G.
 Gregory, G. B.

Grieve, J. J.
 Gurney, rt. hon. R.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, Lord G.
 Hamond, C. F.
 Hankey, T.
 Hardcastle, E.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Harvey, Sir R. B.
 Herbert, H. A.
 Hermon, E.
 Hick, J.
 Hogg, Sir J. M.
 Holker, Sir J.
 Holland, Sir H. T.
 Holland, S.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hood, Captain hon. A.
 W. A. N.
 Hubbard, J. G.
 Huddleston, J. W.
 Hunt, rt. hon. G. W.
 Isaac, S.
 Jackson, H. M.
 Johnson, J. G.
 Johnston, W.
 Jolliffe, hon. S.
 Karlake, Sir J.
 Kay - Shuttleworth,
 U. J.
 Knowles, T.
 Laverton, A.
 Lawrence, Sir J. C.
 Learmonth, A.
 Leeman, G.
 Legard, Sir C.
 Lennox, Lord H. G.
 Leslie, J.
 Lloyd, S.
 Lloyd, T. E.
 Lopes, H. C.
 Lopes, Sir M.
 Lowther, hon. W.
 Lowther, J.
 Lubbock, Sir J.
 Lusk, Sir A.
 Macartney, J. W. E.
 Macduff, Viscount
 MacIver, D.
 Mackintosh, C. F.
 M'Arthur, W.
 M'Lagan, P.
 Mahon, Viscount
 Maitland, J.
 Majendie, L. A.
 Makins, Colonel
 Manners, rt. hn. Lord J.
 March, Earl of
 Marjoribanks, Sir D. C.
 Marten, A. G.
 Martin, P. W.
 Mellor, T. W.
 Merewether, C. G.
 Milbank, F. A.
 Mills, A.
 Mitchell, T. A.
 Montagu, rt. hn. Lord R.
 Montgomerie, R.

Montgomery, Sir G. G.
 Morgan, G. O.
 Morley, S.
 Mowbray, rt. hn. J. R.
 Mulholland, J.
 Mure, Colonel
 Naghten, A. R.
 Neville-Grenville, R.
 Newport, Viscount
 Northcote, rt. hon. Sir
 S. H.
 Norwood, C. M.
 O'Callaghan, hon. W.
 O'Neill, hon. E.
 Onslow, D.
 Parker, Lt. Col. W.
 Peek, Sir H. W.
 Peel, A. W.
 Pell, A.
 Pemberton, E. L.
 Pender, J.
 Percy, Earl
 Perkins, Sir F.
 Phipps, P.
 Pim, Captain B.
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Polhill-Turner, Capt.
 Price, Captain
 Puleston, J. H.
 Raikes, H. C.
 Read, C. S.
 Reed, E. J.
 Rendleaham, Lord
 Ridley, M. W.
 Ripley, H. W.
 Ritchie, C. T.
 Robertson, H.
 Rodwell, B. B. H.
 Roebuck, J. A.
 Rothschild, N. M. de
 Round, J.
 Russell, Lord A.
 Russell, Sir C.
 Ryder, G. R.
 St. Aubyn, Sir J.
 Salt, T.
 Samuda, J. D'A.
 Sanderson, T. K.
 Sandon, Viscount
 Selater-Booth, rt. hn. G.
 Scott, Lord H.

Scott, M. D.
 Selwin - Ibbetson, Sir
 H. J.
 Shute, General
 Sidebottom, T. H.
 Simonds, W. B.
 Smith, F. C.
 Smith, S. G.
 Smith, W. H.
 Smollett, P. B.
 Somerset, Lord H. R. C.
 Stanhope, hon. E.
 Stanhope, W. T. W. S.
 Stanley, hon. F.
 Starkey, L. R.
 Starkie, J. P. C.
 Stevenson, J. C.
 Storer, G.
 Sturt, H. G.
 Talbot, J. G.
 Taylor, D.
 Taylor, rt. hn. Colonel
 Tennant, R.
 Thynne, Lord H. F.
 Tollemache, W. F.
 Torr, J.
 Tremayne, J.
 Turner, C.
 Vance, J.
 Waddy, S. D.
 Wait, W. K.
 Walpole, rt. hon. S.
 Walsh, hon. A.
 Walter, J.
 Waterhouse, S.
 Waterlow, Sir S. H.
 Watney, J.
 Weguelin, T. M.
 Welllesley, Captain
 Wells, E.
 Whitelaw, A.
 Wilmot, Sir H.
 Wilmot, Sir J. E.
 Wolff, Sir H. D.
 Woodd, B. T.
 Yarmouth, Earl of
 Yeaman, J.
 Yorke, hon. E.
 Yorke, J. R.

TELLERS.

Dyke, W. H.
 Winn, R.

Original Question again proposed.

THE MARQUESS OF HARTINGTON
 said: I am not going to enter into any
 further discussion, nor even, as far as I
 am concerned, to trouble the House with
 another division, but, simply to put on
 record the grounds on which I and
 many others on this side of the House
 have voted, I will move the following
 Amendment:—

"That a Select Committee be appointed to
 consider the return of John Mitchel for the
 county of Tipperary, and to search for prece-
 dents and report thereupon to the House."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the return of John Mitchel for the County Tipperary, and to search for precedents, and report thereupon to the House."—(*The Marquess of Hartington.*)

SIR GEORGE BOWYER trusted that Her Majesty's Government would re-consider the course they were taking, as the question was a question of law, and a perfectly new one, that had never been decided before. He had no doubt there were many hon. Members on the other side who entertained grave doubts on the subject. The matter had been debated by learned counsel on both sides, and he thought it would be only fair to wait a short time, until the question could be thoroughly gone into by hon. Members.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Resolved, That John Mitchel, returned as Member for the County of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House.

NEW WRIT.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for Ireland, to make out a New Writ for the electing of a Member to serve in this present Parliament for the County of Tipperary, in the room of John Mitchel, adjudged and sentenced as aforesaid.

INTOXICATING LIQUORS (IRELAND) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Laws relating to the common Sale of Intoxicating Liquors in Ireland.

Resolution reported:— Bill ordered to be brought in by Mr. SULLIVAN and Mr. DRAKE.

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, 19th February, 1875.

MINUTES.]—PUBLIC BILL—*Second Reading*—Elementary Education Provisional Orders Confirmation (Caister, &c.) * (14).

CRIMINAL LAW—THE CONVICT PRISON AT GIBRALTAR.**QUESTION.**

LORD ABERDARE, in calling attention to the state of the Convict Prison at Gibraltar, and to ask Her Majesty's Government, Whether it is their intention to continue that establishment? said, he need hardly dwell upon the general excellence of our convict system. For many years the question of the mode of dealing with convicts had engaged a considerable amount of public attention, and the result was that we had now the best convict system ever devised for reforming the criminals and protecting society. But with regard to the prison at Gibraltar, the late Government had come to the decision that it ought to be suppressed, and he was anxious to obtain an assurance that the policy then determined upon would not be departed from. Many of their Lordships would recollect the—he might say more than alarm—the terror felt in this country at the prospect of our old system of transporting convicts being abandoned, and penal servitude being substituted in its stead. And that terror was not to be wondered at when we recollected that between the years 1840 and 1860 no fewer than 36,993 prisoners were sentenced to transportation. Of these 24,915 actually left the country, and 11,078 were sent to the hulks. The average number sentenced to transportation in each of those 10 years was 3,600. The alarm, therefore, would appear to have been by no means ill-founded. The number of persons transported in 1842 was very little short of 4,100. Transportation, except to Western Australia, ceased in 1852, when 2,541 persons were transported. Transportation absolutely ceased in 1867, and the number of persons sentenced to penal servitude in 1873 was only 1,493. In 1869, when he (Lord Aberdare) was at the Home Office, the question of accommodation in our convict prisons attracted the very serious attention of the authorities. It was

found that there were some 8,000 convicts confined in those prisons, and that for 1,700 other accommodation had to be provided by contract in some of our county gaols; and it was believed that besides providing convict prisons for an additional 1,000, further accommodation for 1,000 or 1,500 would have to be found at a future time. In the same year the Home Office received from the Colonial Office a suggestion that the convict prisons in Western Australia and other colonies should be transferred to the Home Office. The suggestion was adopted, and the control of the convict prisons in Western Australia, and that at Gibraltar, was transferred. In 1870 there was sent to the Home Office a report from the Visitors of the convict prison at Gibraltar, which led to immediate inquiries, and Colonel Du Cane, the Chairman of the Board of Directors of Convict Prisons, went to Gibraltar and examined the prison, and in the report of the Superintendent there was this passage—

“The reformatory element seems to be disappearing from it [the association system] altogether, for even a convict anxious to reform has a hard, if not a hopeless, task. Of others who, under more advantageous circumstances, might possibly be reclaimed, the evils of association prevent any advice or warning from having more than a momentary effect. The punishment of the better and less depraved class of prisoners is considerably increased by their enforced association with those utterly lost to all sense of honesty and decency, and whose whole lives have been lives of crime; and I fear there is but little doubt that some leave a prison of this class worse in every respect than when they entered it. The punitive element is also under this system reduced to the minimum possible in a prison, and I much doubt if it is sufficiently felt by the convicts, so as to act as a deterrent from crime for the future.”—[*Superintendent of Gibraltar Convict Prison, App. 497.*]

He might observe that the number of male convicts in custody for England and Wales was 8,678, and of these there were in the Gibraltar prison 338. Well, after the inquiry in 1870, his noble Friend who then filled the office of Secretary for the Colonies (the Earl of Kimberley) arrived at the conclusion that the Gibraltar prison, as an establishment for convicts, ought to be abolished as soon as an arrangement could be made for the transfer of the prisoners elsewhere. He himself arrived at the same conclusion; and it seemed that the time when such arrangements might be made would arrive much sooner than

could have been anticipated a few years ago, by reason of the marked diminution in the number of persons sentenced to penal servitude. In 1869, the number so sentenced was 2,006; in 1870, it was 1,788; in 1871, it was 1,627; in 1872, it was 1,514; and in 1873, it was 1,493. The result was that at this moment, instead of having to provide extended accommodation for nearly 2,500 prisoners, no addition was required, except for convict prisoners received into county gaols, and there was ample accommodation in our convict prisons for the absorption of the prisoners now sent to Gibraltar. In the determination at which he and his noble Friend had arrived, they were influenced by a consideration founded on the Report made with respect to the Gibraltar prison. It appeared that in that prison it would not be possible to give effect to the recommendation of the Penal Servitude Acts Commission, which sat in 1863. In the Report of that Commission, it was stated—

“The employment of convicts where they can hold communication with free labourers is objectionable, and ought not to be allowed. For this reason work in a dockyard, where such communication can hardly be prevented, is not suitable for convicts.”

Unexpectedly good results followed from the adoption in this country of that recommendation of the Royal Commission, and since the time when the building of the Chatham Convict Prison was undertaken great improvements in the working of our convict system had been effected throughout the Kingdom. He would ask what was the object of punishment? The first object of all punishment was that it should be deterrent; and in order that it should be so, it ought to be made hateful to prisoners. There was nothing they disliked so much as monotony; and this penal servitude could not be made, so long as the convicts were allowed connection with the outer world. The second object of punishment was, that it should have such an effect on a prisoner as to fit him to take his place again as a useful member of society when he should be sent back to it after ending his sentence. Therefore, the discipline of a prison should be such as not only to have a good effect upon the prisoner while under confinement, but that that good effect should continue after his discharge. That, at

all events, was the object sought to be effected by our present system, and to a large extent it was successful. But no such useful and good results were likely to be produced by the system pursued at Gibraltar—nor, indeed, were any such results possible under such a system. All moral and philanthropic objects were defeated by it, instead of being fostered. The Royal Commission of 1863 recommended that no sentence of penal servitude should be for a less period than five years, and that no second sentence of penal servitude should be for less than seven years. And why? With the object of breaking up the criminal habits of the convict. But this was defeated by the system at Gibraltar. And yet this inefficient system was more expensive, even in the primary outlay, than our efficient system at home. First, there was the cost of transport to Gibraltar; next, the cost of maintenance there was more expensive than the cost of maintenance at home; and again, the officers of the prison at Gibraltar were paid more than the officers of the prisons at home. Moreover, without casting the slightest blame on the officers of the Gibraltar establishment, they had not the training of prison officers in this country. But, it was said that the convict prison at Gibraltar was a necessity. What was the advantage of it? The only real reason he could see for its maintenance was, that it provided a certain amount of convict labour for the use of the naval and military authorities. He had every desire that convict labour should be used when it could be used with advantage to the prisoners and to the public; but he did not believe this could be the case in Gibraltar. He did not believe that the advantage derived from the labour of 338 convicts there counterbalanced the very great disadvantages of a system which sent back to this country numbers of wholly unreformed convicts. Could not military labour be employed instead of that of the convicts. There was a large force of soldiers at Gibraltar, and he believed that of the hundreds of Sappers and Miners there not one-third of that number were employed at any regular labour. His great object was to impress upon the Government, that as the Gibraltar system was hopelessly and radically bad, they were not justified in maintaining it, and he hoped to hear

from the Government that it was their intention to put an end to it.

THE DUKE OF CAMBRIDGE: Before my noble Friend the Secretary for the Colonies replies to my noble Friend who has just addressed your Lordships, I wish to place before your Lordships and the country—because I think it is little understood—the difficulty, if not the impossibility, of carrying on the works at the great garrison of Gibraltar unless we have the assistance of convict labour. I have had some personal experience of Gibraltar, because I began my military life there, and I know it as well as I do your Lordships' House. I believe it is not only necessary to employ convict labour there, but it would be exceedingly difficult to get civil labour. I certainly was not there after convicts were sent out, and therefore I have not had an opportunity of personally witnessing the results of the contact between convict labour and civil labour; but I have made inquiries on that point, and from the statement of a distinguished officer—the present Adjutant General of the Army, who was five years Governor of Gibraltar—I am led to believe that the contact so much complained of does not exist to the extent your Lordships and the public generally suppose it to exist. I am not going to argue the question of employing convict labour on public works, but I wish to point out how impossible it is to introduce the civil element at Gibraltar within the town of Gibraltar, and that town, as now inhabited, cannot produce civil labour sufficient to complete the great works in progress there, to maintain them when made, and to carry out the dockyard duties essential at such a station. I think my noble Friend (Lord Aberdare), after such a Report as has been made on the prison establishment at Gibraltar, is justified in asking what is to be done; but I think my noble Friend ought not to have gone the length of expressing a hope that the convict establishment would be put an end to. The question is entirely one of administration—it is a question of having a proper convict establishment at Gibraltar. If it be not a proper establishment it can be made so, and it is not in itself unhealthy. I cannot see why it should not be as easy to have an effective convict prison there as it is at Portsmouth, Chatham, or Cork. I believe the exist-

Lord Aberdare

ing prison at Gibraltar is a bad one, and that there have been great irregularities there; but I think that even in this respect there has been exaggeration. It is badly organized, but I believe there have been great improvements, and that many of the irregularities have been corrected. I admit that it is not very easy to carry on a proper convict establishment in a badly constructed prison such as that at Gibraltar; but I think the War Office authorities can have no wish to throw any obstacle in the way of the erection of a proper convict establishment at that fortress. My noble Friend (Lord Aberdare) is in error in thinking that the soldiers of the garrison are not fully employed there. There is a large extent of sentinel duty. Sir Richard Airey endeavoured to abridge it, but found himself obliged to put on again men whom he had taken off duty. I am authorized by the highest authority to say that the number of soldiers employed on the public works cannot be increased, due regard being had to the garrison duty. The present Governor, Sir William Fenwick Williams, so late as October last, stated that he did not know what to do for men. Again, my noble Friend is entirely misinformed as to the amount of work done by the Engineers at Gibraltar. The only alternative, if we want more military labour, is to send out more regiments, and if we do that we must have more barracks—at present there is absolutely no room for more men. Now, I can assure my noble Friend that new barracks would cost more than a new convict prison. The question brought under the notice of your Lordships by my noble Friend is a most serious one. There are none of your Lordships who would not wish to see the fortress of Gibraltar properly kept up. It cannot be if convict labour is not employed there. It has been employed at Chatham and other places in this country with advantage, but nowhere can it be more legitimately employed than at Gibraltar. There is no civil labour there; or at best, what civil labour there is must continue to be very restricted; and therefore in no place does the convict element interfere less with the civil element. There is less sickness in the Gibraltar prisons than in convict prisons at home. I cannot see, therefore, why it should be said that

the convict establishment should be given up in a place where it is so useful, merely because it is not at present conducted on as good a system as it might be. If the prison system is bad, we should make it better.

THE EARL OF CARNARVON said, he did not feel it necessary to follow the noble Lord (Lord Aberdare) into a discussion of our convict system—he should confine himself to that of the convict establishment at Gibraltar. As the illustrious Duke (the Duke of Cambridge) had put it, this question was very important from an Imperial point of view—it was also, like many other questions, one which must be determined by the balance of advantages and disadvantages. On the one hand, he was prepared to admit that the convict establishment at Gibraltar was by no means satisfactory:—it was an old-fashioned one, it was unsuited to modern requirements, and it had connected with it that evil of association among the labourers to which the noble Lord had drawn attention; but, on the other hand, as the illustrious Duke had pointed out, the prison itself was not an unhealthy one—indeed, the health of the prisoners within its walls was better than that of the prisoners in the best prison in England. He agreed with the illustrious Duke when he said that the question was one of administration. The noble Lord (Lord Aberdare) quoted a Report for the purpose of showing that it was quite impossible to have proper discipline in that prison; but for his own part, he could not see why the discipline of a convict prison might not be as good at Gibraltar as in this country, provided that rules were properly framed and laid down, and that English officers were appointed to the prisons and held responsible for the carrying out of those regulations. To a certain extent he must own he agreed with the noble Lord; but, on the other hand, the loss of convict labour would be a very serious one at Gibraltar. As the illustrious Duke had pointed out, great works had already been performed by convict labour. He believed that within the last 22 years the total amount of work done for the War Office and the Admiralty at Gibraltar was not less in value than £250,000, and the greater part of that was the work of convicts. The greater part of the New Mole had been constructed by these

men. The illustrious Duke had also pointed out that a great deal of work of a difficult and necessary kind remained to be done, and certainly it was not easy to see how it was to be done without convict labour, for civil labour did not exist sufficient for the requirements of the garrison. All this work was of primary and paramount importance, because it was necessary for the maintenance and defence of the fortress; and the conditions of the place were such that we did not nor could not hope to command any large amount of civil labour there;—and assuming even that high pay were offered to attract a civilian population in considerable numbers, it would be extremely difficult to decide the question of housing them. It was possible to house the convicts properly—it was a mere question of money and belonged to the civil Departments. The noble Lord knew that this subject of the convict establishment at Gibraltar was one which had been debated by Departments of the Government. The noble Lord had been consistent, and, as he had told their Lordships, when he was at the Home Office he endeavoured to remove what he looked upon as a blot; but the correspondence showed that his noble Friend the late Secretary for War (Lord Cardwell) was not of quite the same opinion. He protested, and no doubt his right hon. Friend the present Secretary for War would adopt the same course, and protest against the removal of this convict establishment; but, as he had already said, the question was one which must be decided by the balance of advantages: and if the abolition of the convict establishment at Gibraltar was resolved upon Parliament must be prepared for a considerable outlay. The noble Lord said that the system pursued at Gibraltar was an expensive one; but its expense was as nothing compared with the substitute which would be rendered necessary if convict labour there should be given up, and if it was to be done by soldiers, Parliament must be prepared for a considerable addition to the military and naval Votes. This might be unpleasant, but it would be a result of what the noble Lord was now urging. He cordially agreed with the noble Lord that so far as abuses of the present system were concerned no Government would do right in allowing them to continue; but he could not agree

that the present system was totally inconsistent with proper discipline and administration. It was perfectly true that the tendency of the last two or three years had been towards the removal of this convict establishment; and, indeed, steps had been taken very far in that direction; but if his Colleagues, the Secretary of War and the First Lord of the Admiralty, should consider the door closed by considerations of increased expenditure, he thought that in a matter which affected Imperial interests, there should be the most full and careful consideration before a final determination was arrived at.

EARL GREY said, he thought a case had been made out for the removal of this convict establishment. He believed it to be impossible to correct the evils and abuses complained of without going to the root of the matter, and abolishing the establishment altogether. It was impossible to avoid the association of the convicts and free labourers, and he could not consider Government justified in continuing a system which brought back to this country a number of convicts who, instead of being reformed, were worse than when they were sent out—and that seemed to be the result of employing convict labour in such a place as Gibraltar. He submitted that we were not justified on any considerations of mere convenience in keeping up a system which we knew to be bad. It would be better to allow the works at Gibraltar to advance a little more gradually than to keep up such a system. But he was persuaded that there was no real necessity for its maintenance. As for the employment of free labour it was notorious that it was less expensive than forced labour. He received with all respect everything which came from the illustrious Duke, but he felt convinced that arrangements might be made by which more military labour might be procured for the works. He would respectfully ask the illustrious Duke not to place too much reliance on the reports of military officers on the employment of soldiers in civil labour. For the last 40 years military officers had shown an indisposition to have soldiers so employed; and to such an extent was the indisposition carried, that when the camp at Aldershot was being formed some of those gallant gentlemen recommended that instead of having the ground

turned up and other such work done by soldiers, it would be better to have it done by contract with civilians. Work at civil labour was excellent training for soldiers. The first Napoleon and generals in the recent civil war in America bore testimony to that. He thought that with our system of short enlistment the men should not be put through a course of military training only, but should be instructed in such work as would enable them to get employment when they retired from the Army, and he was convinced they would not prove the worse soldiers because they had been employed part of their time on public works. As to finding room for additional men, if the convicts were now removed from Gibraltar the prison they now occupied, and which appeared to be a very healthy one, would be available for soldiers.

THE DUKE OF SOMERSET said, it was now many years since his official position made him acquainted with convict labour, and therefore he spoke with some hesitation on the subject. His opinion was that, as regarded the dockyards, convict labour mixed up with free labour was objectionable; but, on the other hand, he thought the employment of convict labour in the works at Chatham had been very advantageous. He went down there frequently when the convicts were at work, and observed much emulation between different sets of convict brickmakers. He did not believe there was one of those men who, when he left the works at Chatham, might not have obtained employment outside. But when their Lordships came to deal with the question of convict labour in such a place as Gibraltar, they found it mixed up with great difficulties. There appeared to be a great deal that was objectionable in the way it was now employed there; yet he should hope that before the Government decided on doing away with it they would have a more careful inquiry on the subject. No doubt, on the one hand, there were persons who looked upon the question of secondary punishment solely as a means of reforming the convict and returning him a useful member of society. On the other hand, there were persons who thought that men convicted of serious offences against society were properly employed by being compelled to labour on public works,

and military officers regarded the value of the labour rather than the reformation of the criminal. The naval and military works at Gibraltar were of great national importance. If the convict establishment was discontinued, paid labour must be substituted, and the difficulty of supplying this labour, as well as the great cost, must be carefully considered. The question must be looked at from a national point of view, and he trusted that the Government would not hastily adopt any proposition without having, by means of a Committee or otherwise, obtained a full Report of all the information that could be obtained.

CHURCH BUILDINGS AND RESTORATION—RETURN.—QUESTION.

LORD HAMPTON asked the Lord Steward, How soon the Return ordered last Session, showing "the number of churches which had been built or restored at a cost exceeding £500 since the year 1840" will be presented to the House? He had seen the Return from the diocese of Worcester, to which he belonged, which was of a most satisfactory character, fully bearing out the objects and intentions for which he wished to have the information. He trusted that the Returns from the other dioceses, which seemed to have been somewhat delayed, would prove of an equally satisfactory character.

EARL BEAUCHAMP said, he was afraid he could not give the noble Lord any precise information as to when the Returns he wished for would be laid upon the Table, inasmuch as the information they would contain was not to be found in any Government Department. Steps had been taken to obtain the information sought; but as the action was voluntary, the Government could not compel or hasten the answers. Forms had been sent to the Archbishops and Bishops of the several dioceses, by them to be transmitted to their rural deans and other ecclesiastical authorities. Comparatively few of the dioceses had as yet made complete Returns, and from the Province of York no information whatever had as yet been obtained. He trusted the Returns referred to would be forthcoming shortly, and that the Question of the noble Lord would act as a stimulant upon the various ecclesiastical authorities who could give the information required.

THE BISHOP OF LONDON said, that at the time when the noble Lord (Lord Hampton) moved for the Returns, he had pointed out the difficulties in the way of furnishing them, particularly in a large diocese like that of London, and accordingly the difficulties had been very great. It was easy enough to ascertain what churches had been built within the last 35 years, but it involved no slight labour to discover the cost of each, and still more to ascertain what churches in the diocese had been repaired to the extent of £500 during that period. It was no part of the Bishop's business to keep accounts of that kind, which were, doubtless, destroyed after a certain time; and only vague traditions remained of when churches had been repaired, and what the costs of such repairs had been. He had received the Returns from all the rural deans of his diocese except three—they were no doubt as accurate as they could be made;—and he might add that in proportion to the conscientiousness with which the Returns were prepared, so, perhaps, would the delay be of making them.

WOOLWICH ACADEMY—THE NEW REGULATIONS.—QUESTION.

LORD MONTEAGLE asked the Under Secretary for War, Whether it is intended under the new regulations for admission to Woolwich Academy to confer an exceptional advantage upon classics as over all other subjects in the examination?

THE EARL OF PEMBROKE said, the explanation he had to give to the noble Lord was, that the effect of the new Regulations, which would come into operation in July next, would be to diminish, not to increase, the importance of classics in the examination at Woolwich. Under the old Regulations of 1871, 3,000 marks were given for Latin and 3,000 for English—being in each case 1,000 more marks than were given for any other subjects except mathematics—the object being that boys who had the advantage of a public school education might proceed straight to Woolwich without the interposition of professional “crammers.” It was, however, found by experience that those expectations had not been fully realized. Latin and English were taken up as cram-subjects by all alike, on account of

the great number of marks given for them, and the low standard of the Latin examination, and one result to be deprecated was that mathematics and foreign languages were somewhat neglected. Under the new system Latin and Greek together, instead of having 5,000 marks, as against 4,500 awarded to mathematics, would have 4,000 as against 6,000, and in English the marks would be reduced to 2,000. It was believed that this alteration would be attended with beneficial results.

VISCOUNT CARDWELL considered the explanation of the noble Earl quite satisfactory. The object at which the authorities aimed in fixing these standards was to obtain the best men for the Army from the whole educational surface of the country, and the great evil against which they had to guard was that of cramming. He knew from experience that those who were entrusted with the carrying out of this complicated and difficult system must watch its operation from time to time, and advise the making of such alterations in it as might seem to be desirable. He believed that the public servants who had made this change had given much consideration to the subject, and he hoped the system they had adopted would prove successful. If it did not, then they must only try back and further modify it.

House adjourned at a quarter before Seven o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 19th February, 1875.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Adulteration of Food and Drugs* * [62].
Committee—Report—*Common Law Procedure Act (1852) Amendment* * [33].

THE MAGISTRACY—APPOINTMENT OF MAGISTRATES.—QUESTION.

MR. JOSEPH COWEN asked the Secretary of State for the Home Department, Whether it is a fact that recently in the city of Durham and in the boroughs of Newcastle-on-Tyne, Tyne-mouth, Sunderland, Stockton-on-Tees, and Middlesborough, forty-three new

magistrates have been appointed; if his attention has been drawn to the fact that thirty-four out of the forty-three gentlemen appointed belong to the Conservative party; and that in some cases, as at Middlesborough the appointments were made without the knowledge of the local corporate and magisterial authorities; and as at Newcastle and Tynemouth, while influential gentlemen of liberal opinions were recommended for appointment by Members of both political parties in the Town Councils of these boroughs, their names were set aside; and, if he is prepared to lay upon the Table the Correspondence that has taken place respecting these several appointments?

MR. ASSHETON CROSS said, since the Question was put on the Paper, having nothing to do with the appointment of magistrates, as the House must be well aware, he had communicated with the Lord Chancellor, and had been informed by him that since April, 1874, additions to the Bench had been made for Newcastle, Durham, Sunderland, Tynemouth, Middlesborough, and Stockton-on-Tees. Those appointments had been—for Newcastle 13, Durham four, Sunderland eight, Tynemouth eight, Middlesborough four, and Stockton-on-Tees six. In all those cases the Lord Chancellor was satisfied that additional magistrates were required, and that the gentlemen selected were in all respects eligible. It was a misapprehension to suppose that magistrates in boroughs were appointed by the Lord Chancellor on the recommendation of municipal corporations, or of any other public body or individual. The responsibility of such appointments rested solely with the Lord Chancellor, who was, however, always ready to receive and give full consideration to any communication made to him from municipal corporations, or other public bodies or individuals, as to the state of the Bench. In the cases referred to, he had received and examined all the recommendations of the town councils, mayors, or magistrates, when any such recommendations were made. They were made in the cases of Newcastle, Tynemouth, and Stockton-on-Tees. In the case of Stockton, all the names recommended by the mayor and the magistrates were appointed; in the case of Newcastle all those recommended by the magistrates

and the town council were appointed except one; and in the case of Tynemouth all who were recommended by the town council were appointed except one. The Lord Chancellor could not undertake to say to what political parties the gentlemen appointed belonged; and it was not the practice to lay on the Table any correspondence as to magisterial appointments.

MR. JOSEPH COWEN gave Notice that on an early day he would call the attention of the House to those appointments.

MERCHANT SHIPPING ACTS—THE SHIP "MARY ANN."—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, If it be correct that after receiving a report from the Board of Trade Surveyors at Hull that the ship "Mary Ann" was unfit to proceed to sea without serious danger to human life, an order was subsequently made that the vessel might proceed to sea provided the owner would execute a bond and sail in her himself; if so, what guarantee this gave for the safety of the crew if the ship were unseaworthy?

SIR CHARLES ADDERLEY: The case is before one of the Superior Courts; I therefore abstain from stating anything affecting the points in dispute. I must, however, say that the hon. Gentleman has not quite correctly stated the facts of the case, which are these—It was at the owner's request that the *Mary Ann* was allowed to proceed to Sunderland for repairs, the owner having no means to get the work done at Hull. He requested to be allowed to proceed with her himself, and to give a bond of £500 to secure his going to Sunderland. The Board of Trade assented, and imposed the further conditions that he should start early on a fine morning, and be provided with a lifeboat, and should go in tow.

CRIMINAL LAW—COMMITTAL OF A BLIND BOY.—QUESTION.

MR. W. JOHNSTON asked the Chief Secretary for Ireland, Whether, immediately subsequent to the imprisonment of the blind boy John M'Cracken, by order of the Mayor of Drogheda, for reading the Bible in the street, his father was committed to prison, for four-

teen days, without the option of a fine, for expressing his dissatisfaction at the treatment his son received; whether this was done by order of the Mayor; whether the sentence was afterwards erased from the charge book; and, whether the elder M'Cracken has since been suffering from severe illness, and still remains in prison?

SIR MICHAEL HICKS-BEACH, in reply, said, when the boy M'Cracken was arrested under the circumstances he had stated the other evening, his father molested the police, assailed them with considerable abuse, and, it was said, took up a stone for the purpose of throwing at them. He was therefore charged before the Mayor, and committed to prison for 14 days. That sentence, he believed, was not afterwards erased from the charge-book; and, after inquiry made of the medical officer whether the prisoner was suffering from severe illness, he was informed that he was suffering from a slight ailment, for which light employment would be beneficial, and that appropriate medicine had been given to him. There was, he believed, a slight error in the conviction. The question had been referred to the Law Officers of the Crown in Dublin; and, of course, if it was found that there had been such an error in the conviction, the prisoner would be released. Neither the prisoner, nor anyone on his behalf, had memorialized the authorities.

INDIA—LEAVE OF UNCOVENANTED CIVIL SERVANTS.—QUESTION.

MR. DALRYMPLE asked the Under Secretary of State for India, Whether any decision has been come to in regard to the new rules affecting the leave of uncovenanted Civil Servants in India, whose cases so far as they belonged to the Bengal List, remained undecided last year, until further Communications should be received from the Government of India?

LORD GEORGE HAMILTON: No further communication from the Government of India, in reference to the leave rules of the Uncovenanted Civil Servants, has been received at the India Office up to the 12th of January. Upon that day a telegram was sent to the Government of India, calling their attention to the fact, and in reply we were informed that a despatch upon the sub-

ject would leave India by the next mail.

PEACE PRESERVATION ACTS (IRELAND).—QUESTION.

LORD ROBERT MONTAGU said, he wished to put a Question to the Chief Secretary to the Lord Lieutenant of Ireland. Yesterday there appeared upon the Paper a Notice that the Chief Secretary would call the attention of the House to the statutes generally known as the Peace Preservation (Ireland) Acts, and move for leave to introduce a Bill. At his part of the House it was impossible to gather what had passed on that subject on the previous evening, and he found no record of it on the Votes. He therefore wished to ask, what course the Government intended to pursue on the matter?

SIR MICHAEL HICKS - BEACH said, he was obliged to the noble Lord for giving him an opportunity of stating his intention to the House. He intended to call the attention of the House to that subject on Monday, the 1st of March.

LORD ROBERT MONTAGU said, he would give Notice that on Tuesday next he would move for a Return of the names of the persons arrested in the county of Westmeath under the powers of the Peace Preservation Acts of 1870 and 1873, showing the time of detention of each prisoner, the names of those who were still in custody, together with copies of any memorials, with the signatures attached thereto, which had been presented for the release of any of those prisoners; and that on Monday he would ask the Chief Secretary whether that Return could be obtained in time for the Motion which the right hon. Baronet intended to make on the 1st of March?

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

FACTORIES ACTS EXTENSION.

MOTION FOR A SELECT COMMITTEE.

MR. W. HOLMS, in rising to move—

"That a Select Committee be appointed to ascertain and report how far it is expedient and practicable to extend the provisions of the Fac-

Mr. W. Johnston

ories (Health of Women, &c.) Act, 1874, to manufactures and occupations other than textile, and further to consider and report upon the consolidation of all existing Factory and Workshop Regulation Acts,"

said: I am not sure that I quite comprehend the scope of the proposal of the right hon. Gentleman the Secretary for the Home Department, when, last evening, in replying to a Question by the hon. Member for Leeds (Mr. Tennant), he intimated that the Government proposed to appoint a Royal Commission to inquire into the Factory Acts; nor am I certain whether he proposes to embrace in that inquiry all that is covered by my Resolution. I will, therefore, as briefly and as clearly as I can, state my reasons for asking that a Select Committee be appointed as proposed in the Resolution. From a Return made in 1871—the last Return on the subject—I find that there are 1,258,000 women, children, and young persons under Government protection so far as regards Factory and Workshop Acts. By passing the Factory Act of 1874, the principle was affirmed that on sanitary and educational grounds it is the duty of the State to interfere for the protection of children and young persons. The Factory Act referred to embraced only textile factories, in which 667,000 women, children, and young persons were employed. Under that Act children can only be employed at 10 years of age as half-timers, and subsequently for full time at the age of 14. There is a provision that a child who has passed a certain educational standard may begin at 13 years of age to work full time. Of the 591,000 women, young persons, and children who were not affected by the Act of last year, 210,000 were under Factory Acts passed prior to 1874. Their condition is very different. Children are allowed to work half-time at 8 years of age, and full time at 13, whatever may be the state of their education. Those factories are limited by law to work 60 hours a-week; but, practically—owing to certain modifications and exemptions—they may work on an average 63 or 66 hours. It cannot be urged that the occupation of those engaged in them is more healthy, or their toil less severe, than that of those engaged in textile factories. Mr. Redgrave, one of the Chief Inspectors of Factories, in a recent Report, says—

"The experience I have had of the nature of work in all kinds of factories and workshops is that old factories—that is, textile factories—show abundant proof of the fostering care of Government, and that occupations infinitely more unhealthy, and labour twice as hard physically, are to be found in the factories brought under inspection by the Factory Acts of 1864 and 1867."

And adds—

"I know of no cotton factory in which young persons have to endure a temperature of 120 degrees as they have in the stove of a pottery; I know no labour more severe than that of a fustian cutter; or I know of no occupation more deadly than that of a millstone cutter."

The remaining 381,000 were under the Workshop Act; but, as the Returns in respect to workshops are very incomplete, I believe it is a moderate estimate to take the number as equal to those employed in textile factories. What are the hours of labour? Nominally the same as in factories, but practically much longer. The work may be performed at any time between 6 in the morning and 8 in the evening by children, and from 5 till 9 by adults. The consequence is, that unless the Factory Inspector carefully watches the time at which each individual begins, he cannot with any certainty enforce the law. Children may therefore be employed long hours without fear of detection. Then, again, under the present Act it is extremely difficult to tell what is a workshop and what is a factory. For instance, you may have a small machine-making establishment with two boys and two men employed; and if driven by steam-power this is a factory. In the adjoining premises, under the same roof, driven by the same steam-engine, employing 40 children and five men, another establishment engaged in making buttons is in the eye of the law a workshop. In the former, where there are two boys, they must be registered; but that is unnecessary in the latter. In the former, there must be a medical certificate of the age of each boy employed—in the latter, nothing of the sort. In the former, the boys can demand two full and eight half-holidays a-year—in the latter, the boys cannot claim even Christmas or Good Friday. In the former, the machinery must be fenced—in the latter, there is no such provision. In the former, sanitary regulations must be carefully observed. The factory must be clean, well-ventilated,

and the walls whitewashed. As regards workshops there are no such provisions. What makes the absurdity of the position more apparent is, that you find men employed in the same trade under different laws. A brickwork with 50 men and one boy employed is a factory. Another brickwork where 40 children and young persons are employed and only five men is a workshop. It is unjust alike to employer and employed to have laws so different applied to industries the conditions of which are identical. I will now call attention to the conditions which have arisen since the passing of the Education Act of 1870. Last Session the Vice President of Council on Education said in this House—

“That in most large towns compulsory bye-laws had been adopted, and it was unanimously determined that a child should be kept at school till the age of 10.”

The Education Act of 1870 gives no power to interfere with children employed in factories or workshops; these children being under the educational clauses of their several Acts. So far as the Act of 1874 is concerned, it is in harmony with the Act of 1870. Children cannot work in factories until the age of 10, and they must attend efficient schools sanctioned by the Privy Council. The position of children employed in workshops is very different; they are only required to attend school 10 hours per week—that may be at any time during the week; and if they are absent from work during one day in the week, they cannot be compelled to attend school during that week. What is the consequence of this irregularity? Good schools will not receive those children; and Mr. Redgrave has, in one of his Reports, made the melancholy confession—

“We are driven to accept mere apologies for schools, and greatly to our dissatisfaction to countenance what is after all a mere mockery of education.”

My hon. Friend the Member for Sheffield (Mr. Mundella) justly characterized the Workshop Act as an Act for preventing education. There is another reason why we should have no unnecessary delay in legislation—it is an undoubted fact that the measure passed last year is not national but sectional in its character. In Blackburn there are 17,302 women and children and young persons engaged

in textile manufactures under the Act of 1874, while there are only 1,009 otherwise employed, and therefore exempt from its provisions. In Sheffield there are 12,236 employed in the industries of that town, but not one of them has the benefit of the Act of 1874. I have this morning received a letter from a well-known cotton-spinner in Bolton, a supporter, I believe, of the right hon. Member for South-west Lancashire, who writes that the consequence of the exemptions of brickworks, paper works, &c., from the Factory Acts is, that children are sent to these trades because they can be employed one year younger than in textile factories, where they have often a difficulty in keeping the machinery going for want of children. The matter is made worse by the labour in these places being more severe than in cotton mills. If this anomaly is not removed by law, he says, there will be serious difficulty in getting hands for the cotton mills. It might be said that there had been no agitation in reference to this question. To some extent this was true, and the reason was obvious. Last year the Government led this House and the country to expect that a Select Committee would be appointed to inquire into the whole subject as soon as possible; but as that has been delayed, the consequence is, that in many parts of the country there is already a certain amount of agitation. In my own neighbourhood, large meetings have been held in connection with bleach-works, and I believe the hon. Member for Stafford (Mr. Macdonald) has a Bill to bring before the House, with a view to give those employed in bleach-works the benefit of the Act of 1874. I think it not at all unlikely that we shall have hon. Members introducing Bills for many trades which have not the benefit of that Act. They may urge—and I do not see how you can resist the argument—that what is good for children and young persons employed in cotton factories cannot be bad for children and young persons employed in glass or iron works, and that what is fair for a cotton spinner cannot be unfair for an iron founder. We have already had too much piecemeal legislation in connection with our factory system. There is nothing more to be deprecated than continually re-opening up this question, and I believe if the country is assured

Mr. W. Holmes

that we are to have a full inquiry with a view to legislation, the result will be awaited with patience. I come now to the last portion of the Resolution—that relating to consolidation, the importance of which can scarcely be overrated. Fortunately, there is no difficulty in proving its necessity. We have no fewer than 15 Factory and Workshop Acts, and so complicated are they with exemptions and modifications, and conflicting clauses, that they are very difficult to understand. The experience of the sub-Inspectors, some of whom are men of great educational acquirements, and of magistrates and Judges who have to make convictions, all tend to the conclusion that the sooner the present state of things is remedied the better. Lord Colonsay, the late Justice General of the Scotch Court of Session, gave it as his opinion that it would be a great assistance to those who had to administer the Factory Acts, if there was one consolidated statute. Mr. Fraser, the well-known author of *The Law of Master and Servant*, said these Acts refer to a class of the population whose labour and education they regulate, to whom clear directions are absolutely necessary, and yet a more confused jumble of legislative enactment does not exist in the Statute Book. Another authority which the House would receive with the highest respect, the Home Secretary himself, said last Session that nothing would give him greater satisfaction than to bring before the House a measure for the consolidation of the whole of the Factory Acts. The task would be rendered comparatively easy if the two broad principles applied to the Act of 1874 were adopted. One was, that no child should be employed in a factory under the age of 10 years. The other was, that a child must be sent to an efficient school sanctioned by the Education Board. By the Act passed last year, the Home Secretary has shown that he is in favour of the policy of protecting children and young persons, a wise and beneficent policy, which, by making them stronger and better educated, must in the long run tend greatly to increase the wealth and prosperity of the country. I do not ask for hasty legislation; but I would urge on the House that, with the least possible delay, a question so deeply affecting alike employers and employed should be fairly,

fully, and calmly considered with a view to further legislation, and that laws, which are acknowledged to be in a state of confusion, should be consolidated and rendered intelligible. In conclusion, I beg to move the Resolution which stands in my name.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to ascertain and report how far it is expedient and practicable to extend the provisions of the Factories (Health of Women, &c.) Act; 1874, to manufactures and occupations other than textile, and further to consider and report upon the consolidation of all existing Factory and Workshop Regulation Acts,"—(*Mr. William Holmes*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ASSHETON CROSS said, he agreed with much that had fallen from the hon. Member, who had evidently a thorough understanding of the subject. When the question was before the House last year he (Mr. Cross) stated—at any rate he intended to state—that it was the intention of Government to take a broader view of the matter than was laid down in the Act of 1874, and to bring forward a measure for promoting the health and education of the children and young persons employed in other than textile manufactures. At that time he also stated that no one was more painfully aware than himself of the confusion into which the Factory Acts had fallen, and that he was determined to remedy the evil. To that statement he still adhered, and he hoped the hon. Member would credit him with an intention to carry out the policy then announced, although he had not moved in the matter so early in the Session. The amount of school attendance enforced at present was a mere shadow, and such a state of things was absolutely indefensible. Different rules prevailed in different trades, children were therefore employed in some trades much longer than in others, and the consequence was, that before legislation could be attempted it would be necessary to have full information upon the subject. Therefore, all the Government had yet done towards carrying out its declaration of last year was to consider what form the

inquiry had best take in order to lead to a satisfactory result. He had hinted last year that the Government would consent to the appointment of a Committee for that purpose, but further consideration had led them to the conclusion that a Royal Commission would be preferable. He would only say now that he was determined that all children employed in manufactures should, as soon as possible, have the benefit of as much education and enjoy such advantages of health as legislation could secure for them. With these two objects in view, the Commission would be appointed, and, having said this much, he hoped the hon. Member would not proceed with his Motion.

MR. W. E. FORSTER expressed the pleasure he felt at the course which the Government intended to pursue. He thought his hon. Friend (Mr. W. Holms) would feel that his object had been gained, and would not press the subject further. Although a Committee might, in some respects, have been advantageous, he cordially accepted the Home Secretary's proposal that the necessary information should be collected by a Royal Commission. He thought a Commission would be the most likely to furnish complete and exhaustive information.

MR. MUNDELLA said, he was gratified at hearing that the Home Secretary would completely redeem his pledge of last year by the appointment of a Royal Commission to inquire into this subject. He (Mr. Mundella) believed the proposed legislation was just as essential in the interests of education as in the interests of health, and he had had the pleasure of introducing a deputation from school boards to the late Vice President, who represented to him that it was utterly impossible to obtain a fair standard of education while children were employed in workshops at 8 years of age. That was so, for one of the effects of the Education Act of 1870 had been to bring into existence a larger number of what were called "private adventure schools," but which were in reality schools of evasion. They were not under any inspection, there was not any register kept, and no instruction could be given to the children, since, in many instances, those who represented themselves as teachers did not know how to read or write. The children were

sent to those schools just as they might be put into any other house for a certain number of hours each day. They were schools established only for the purpose of satisfying the requirements of the Workshops Act. Yet he was informed that in one of the largest towns of England, 20 per cent of the children were attending these schools. He was thankful that the Home Secretary was prepared to deal with the whole subject, and he trusted that when the Royal Commission had reported, he would have the courage to take up the question of juvenile labour in an effectual manner. If they enacted that no child should work until 10 years of age, and should until then attend an efficient school; and also that they should not pass to the category of full-time labourer until they had passed a certain standard of education, they would do much for the health of the children of the country, but more for their education, and would give satisfaction to most employers throughout the length and breadth of the land. Whatever interests might be represented in that House, he trusted hon. Members would all feel it to be their duty to secure a uniform good education to all the children in this country, whatever might be the employment in which they were engaged, and to protect their health as far as possible. He quite agreed in the policy of consolidation, and to show its necessity, he might mention that he was lately in the suburbs of a large town, and found that in one district no less than seven Acts of Parliament were in force—two relating to textile fabrics, three to workshops, and four to mines; but the brickyard and agricultural children were under no inspection whatever. In conclusion, he could only express the hope that the hon. Member for Paisley would not press his Motion after the statement which had been made by the Home Secretary. The object they had in view would be more effectually secured by the appointment of a Royal Commission than by an inquiry before a Select Committee of the House. He felt sure that hon. Members of both parties and of all shades of opinion in the House would give credit to the Home Secretary for an earnest desire to promote in every way the educational and social welfare of the people.

MR. KINNAIRD concurred generally in the remarks of the hon. Member who

Mr. Assheton Cross

had just spoken, and expressed a hope that the Home Secretary would extend the proposed inquiry to all children in all the different trades. Such a course, he believed, would be in accordance with the views of his constituents, and he tendered thanks in his own name and in theirs for the decision to which the Home Secretary had come. During the last Election he found that a great change had taken place in the feelings of his constituents on this question. At one time the parent was jealous of restriction upon his child's labour; but the effect of recent legislation had been entirely to alter opinion on the subject, and he knew no question of greater interest than the protection of children by an extension of the principle of the Factory Acts. If the Government continued to aid private Members in this way, and endeavoured to carry out what was most essential for the good of the people, they would not fail to gain the support of the country generally.

MR. MACDONALD said, he would not have troubled the House, but for a reference made to himself by the hon. Member for Paisley. Last Session those engaged in bleach-works and dye-works placed themselves in communication with him, with respect to the extension of the Factory Acts to their occupations. At their request he had a Bill prepared, and he was about to introduce it; but having learned from the Home Secretary that the Government intended to issue a Royal Commission for the purpose of inquiring into that as well as other trades to which the Workshops Act applied, he at once gave up the intention of introducing such a Bill. He could only say, with the right hon. Gentleman who had already spoken, that he greatly preferred a Commission to a Select Committee. His constituents were much in favour of a Royal Commission, believing that inquiries made on the spot, or in the immediate locality, were much more likely to be effective than an inquiry made in one of the Committees Rooms of the House. No class to whom such inquiries formerly applied, or for whom Parliament had legislated, were, he believed, more deserving of attention than those women and young persons who were employed in the bleaching and dye-works of this country. He hoped the hon. Member for Paisley would withdraw his Motion, and

leave the matter in the hands of Her Majesty's Government.

MR. DALRYMPLE said, he thought the hon. Member for Paisley had every reason to be satisfied with the answer which he had received, though it did not come exactly in the form which he had asked for. He (Mr. Dalrymple) had no more opportunity of knowing beforehand what was the opinion of Her Majesty's Government on the proposal of the Motion than the hon. Member for Paisley had, but, having called the attention of the House to the subject two years ago, and pointed out the inadequacy of the staff of Inspectors, under the Factories and Workshops Acts, he would take the liberty of making a few observations. It was even more important, in his opinion, than the consolidation of the Acts, that they should be enforced. Unfortunately, however, owing in many places to the insufficiency of the inspecting body, the Acts could not be said to be enforced. On the former occasion he brought forward a variety of evidence to show how very ineffectual the enforcement of the Acts was in the Black Country, in Bedfordshire, and other portions of the Midland Counties. The same remarks might be made now in regard to some of these districts. Two years ago he mentioned Bromsgrove and its neighbourhood, and since that time a great improvement had taken place there. The vicar had written, in answer to his inquiry, that shortly after the subject was brought before the House, in 1873, a very intelligent and determined sub-Inspector was appointed, and very good work had been done. But that strengthened his (Mr. Dalrymple's) case, for that enterprising and active sub-Inspector had also under his charge a large portion of the Black Country, in which, he said, owing to the smallness of the inspecting body, it was impossible to overlook the numerous workshops under his charge. In one year, though he had made 2,000 visits to workshops, this sub-Inspector had not visited more than one-fourth of the entire number under his charge. There were 33,000 nailers in the district, and what was one Inspector among so many? As to half-timers, there were said to be 1,000 in the district, a figure which looked very well, but which was highly delusive, because the irregularity of attendance at

school was so great. To show in one word what the inadequacy of the staff of Inspectors was, a calculation had been made that to visit 109,324 workshops would occupy $3\frac{1}{2}$ years for the present staff, at one visit to each workshop. It was needless to say that one visit in the period was entirely insufficient. It was notorious that, owing to the rarity of Inspectors' visits, advantage was taken by the people in every possible way. A gentleman well-known to him (Mr. Dalrymple), and whose evidence on the subject was quoted in 1873, and who had done all he could to bring the case of the nailers before the public, had written to him (Mr. Dalrymple) that the moment the Inspector was seen all sorts of dodges were resorted to. Boys were put in sacks, and lads under eight years were present during the visit of the Inspector, but unseen by him. There was room also for much amendment with regard to half-timers, and he considered the fine for non-attendance ought to be higher than it was. In reference to the subject generally, it was of the highest importance; and as had been said by the hon. Member for Sheffield (Mr. Mundella) and another hon. Member on the Opposition side of the House, no children under 10 years of age ought to be employed in the workshops, and certainly no women for more than eight hours a-day. It was terrible to think that men should be allowed to enjoy themselves in public-houses whilst women and children were allowed to work for a length of time that was most injurious to them. It was not necessary to detain the House longer, as a Royal Commission was to be appointed; but he wished especially to call the attention of the Secretary of State for the Home Department to the condition of affairs in the Black Country, and to point out the importance of instructing the Commission to have regard to the enforcement of the Acts as they stood, as a matter preliminary to any extension, or even consolidation, of the Acts. It was undesirable and mischievous that Acts should be at once unrepealed and unenforced.

MR. W. HOLMS said, that after the frank statement of the Home Secretary, he should ask the leave of the House to withdraw his Motion.

Motion, by leave, *withdrawn*.

Mr. Dalrymple

DRAFTING AND REVISION OF ACTS OF PARLIAMENT.—RESOLUTION.

MOTION FOR A SELECT COMMITTEE.

MR. FORSYTH, in rising to call the attention of the House to the language of and manner of drawing and passing Acts of Parliament, and to move a Resolution on the subject, said, the subject might not seem one of a very attractive nature, but it was nevertheless more interesting than at first sight it appeared, and one of great practical importance. The House of Commons, as a co-ordinate branch of the Legislature, existed for the purpose of legislation, and our written laws affected the liberties, the property, the rights, and the lives of all. It was therefore of the utmost importance that the laws we enacted should be plain, clear, simple, and intelligible. It was a trite maxim that everyone was bound to know the law. That was a legal fiction; yet it was undeniably true that no one could plead ignorance of the law in excuse for its violation. The principles of the Common Law were simple and clear—the difficulty lay in the application, which often was only adapted to the capacity of legal minds. But with respect to the Statute Law there ought to be no difficulty on the part of any person of ordinary understanding to comprehend it:—it ought to be as easy to construe a statute as to read a book, provided the style was clear and ordinarily intelligible—an Act of Parliament should be like a scientific book, the style clear, arrangement skilful, the language accurate, and the sentences grammatical. But we knew very well that everyone who was not a lawyer approached a Statute Book with feelings of aversion and disgust, and turned from it as from a chaotic wilderness, a labyrinth of strange phraseology and intricate construction. Many years ago a French Judge came to this country for the purpose of studying and writing upon our criminal jurisprudence. He began to write upon the subject, and the first thing he dealt with was a statute relating to our criminal jurisprudence. He dismissed the subject in these two lines—"I spare my French readers the barbarous phraseology of this species of law-making." Montesquieu, the author of *Esprit des Loix*, in the chapter upon the Composition

of Laws, laid down certain rules which read as a satire upon our system of law-making. Montesquieu said, the style of a written law ought to be concise, simple, and direct. *The Quarterly Review*, in an article describing the state of English legislation, said the Legislature, instead of framing its measures with the utmost clearness, seemed to have some end to serve in involving them in the greatest possible obscurity. In order to show the importance of this subject, he would first state the number of statutes that had passed and were passing. Since the Statute of Merton in the reign of Henry III. there had been passed no less than 41,985 Acts of Parliament. Of course these were not all in existence now, but they had passed through Parliament. Of these, 18,297 were Public Acts. He came to the reign of Her present Majesty. In the reign of Queen Victoria there had been passed to the end of the last Session of Parliament 4,178 Public Acts, and of Private and Local Acts 8,089 :—making the total of Acts of Parliament passed in the present reign up to the end of 1874, 12,267. We were passing every year about 100 Public Acts. Last Session of Parliament was not thought to be very prolific, but it was by no means an idle Session, 96 Public Acts and 209 Private Acts having been passed. Sir Edward Coke had quoted two Latin lines, one of which asked a question, and the other answered it—

“*Quæritur at crescent tot tanta volumina legum?
In promptu causa est, crescit in orbe dolus.*”

But the reason of the multiplicity of our laws was that Parliament dealt with such a vast variety of subjects. The House of Commons might well be compared to the trunk of an elephant, which could rend an oak and pick up a pin. To show the interest which the public felt in this matter, he might refer to two Notices which had been given by his hon. and learned Friends, the Member for West Staffordshire (Mr. Staveley Hill) and the hon. Member for Liverpool (Mr. Rathbone), of their intention to ask the House to remedy the confused state of our legislation; and last night he received a letter from the National Chamber of Commerce thanking him for the attention which he had given to this most important subject. In a great speech made by Lord Brougham in 1848 he spoke in most severe terms of the obscurity pervading our Statute Law: he described

it as totally devoid of system—all was random, chaos, and wild chance. Since that time, he admitted, there had been considerable improvement. There was less tautology, less circumlocution, less prolixity, but still a great deal of confusion, in the laws we passed. There was a deceptive brevity—*brevis esse laboro, obscurus fio*. He would bear willing testimony to the ability of the learned gentleman to whom was entrusted the drawing of Bills on behalf of the Crown; but he entirely differed from him as to the plan on which they were framed. Of late years there had been a constant habit of making enactments, not by plain and distinct words expressed on the face of the Act, but by referring to other Acts passed in previous years, and by incorporating portions of preceding Acts; so that you were obliged to go back and back to those Acts to ascertain what in fact the Legislature meant. But that was a hopeless task; you became involved in a perfect chaos. There was also this habit—an Act was repealed, not bodily, but only a section or a portion of a section; and annexed to the Act with which you were dealing you found a schedule which stated what portions of former Acts were repealed, and you had to go back from Act to Act—so that even to a lawyer the task was almost hopeless. Take the case of the Public Health Act, passed in 1872. It was for the purpose, among other things, of establishing a new Sanitary Authority, and laid down the powers and duties of that Authority. How was that done? By referring to five distinct classes of Acts of Parliament—one class containing five Acts, and the whole making a total of 16 Acts of Parliament, from which you were to ascertain what were the rights, the duties, and the obligations of the new Sanitary Authority. Take another instance—that of the Church Building Acts. He believed that about 25 of that class of Acts were passed in the course of a very few years. Dr. Lushington, speaking of them, said he need not comment upon their obscurity, for that was a matter of perfect notoriety; but of one of them he said that it was entitled to pre-eminence for obscurity and difficulty of construction. In another case Vice Chancellor Kindersley said it was difficult in the last degree to discover the meaning of the Act of Parliament. He might also refer to the Mer-

chant Shipping Acts, which commenced with the Act of 1854; since which period he did not know how many Amendment Acts had been passed. Every one of these said—"This Act is to be taken and construed as one with the Merchant Shipping Act of 1854, and all the other amending Acts." To give a notion of the sort of puzzle these statutes presented even to legal minds, he might mention that the 33rd section of the Act of 1873 repealed the 39th section of the Merchant Shipping Amendment Act of 1862, the 4th and 10th sections of the Amendment Act of 1871, and also various sections of other Amendment Acts. All these Acts were so incorporated one with another that a man must have the whole of them before him if he wished to determine any course to be pursued. He held that the proper way of amending an Act of Parliament on an important subject was to repeal it altogether and to re-enact its provisions in the new Act, with such modifications as might be necessary. This would enable everybody to ascertain within the four corners of the Act of Parliament what the law on the subject was. Numerous authorities might be cited in favour of adopting such a course, and the only possible objection to it was that all the clauses of the original measure might be opposed in Parliament. But surely, if the previous legislation ought to stand, the House of Commons would support it clause by clause, and if it required alteration they would amend it. He was very glad to learn, from the very able speech that he had recently made on the subject in the other House, that the Lord Chancellor intended, in consolidating the Patent Laws, to repeal the whole of the existing statutes, so that the whole law on the subject would be found within the four corners of his Bill. This was the way in which all amending Acts ought to be drawn. The evils of which he had spoken would almost all have been obviated if those who framed them, and those who passed them through the House, had observed certain rules mentioned by Lord Brougham. One of these rules was that a statute should never be made without careful regard to former statutes *in pari materia*—that one part of a statute should never contradict another statute—another that the least equivocal and the plainest terms should always be used, and that

different words should never be used in the same sense; and a third was that enactments should never be made by reference to another statute. This latter rule was violated in nearly every Bill that was introduced. Lord Brougham recommended that if, to avoid greater perplexity, it became necessary to refer to another statute, careful regard should be had to the effects of the Act referred to. Supposing, however, that a Bill was admirably drawn, and that there were no mistakes in it which even a legal mind could discover, what was done in that House? After the second reading it was considered in Committee of the Whole House, and it might be "pulled in pieces," as the phrase went. Amendments were frequently introduced which conflicted with the other parts of the Bill, and which caused the greatest difficulty when the measure came to be administered as law and construed by the Judges. It might, perhaps, be argued that the mistakes made in this House might be corrected in the House of Lords. Well, it certainly was not a very dignified proceeding for the House of Commons to trust to the Upper House for the correction of its blunders. Besides, the Bill underwent the same process in the Lords, who might also commit mistakes, for *aliquando bonus dormitat Homerus*. Possibly it might be said it was his own fault if he did not understand particular Acts of Parliament; and therefore, in order to fortify his own statement, the hon. and learned Gentleman proceeded to quote opinions expressed by Lord Abinger, Lord Denman, Lord Campbell, the present Lord Chief Justice of England, and Mr. Justice Blackburn as to the extreme difficulty of understanding the meaning of various Acts of Parliament. In 1873 Lord Cairns, in the discussion upon the Register for Parliamentary and Municipal Elections Bill, called upon their Lordships to reject a series "of Chinese puzzles," which arose from the ambiguous phraseology of some of the clauses; and last year the Premier said he could not, and did not, understand a particular clause in the Endowed Schools Amendment Bill, which was, in fact, an extremely difficult clause to interpret. He held in his hand a list of 25 Acts of Parliament, in all of which blunders had been committed which had to be amended by subsequent Acts, and not one of those

Mr. Forsyth

blunders would have existed if there had been proper revision and supervision after the Bills had passed through Committee. Having thus established a very strong case, he would proceed to the more difficult question—namely, the remedy. Before 1856 a Statute Law Commission was appointed, including among its members some of the most eminent legal authorities of the day—Lord Cranworth, then Lord Chancellor, Lord Lyndhurst, Lord Brougham, Lord Campbell, Lord Wensleydale, Lord Chief Justice Jervis, Mr. Walpole, Lord Westbury, and the present Lord Chief Baron. The Commissioners in their second Report, made in 1856, submitted that—

“The most effectual mode of insuring simplicity and uniformity, or otherwise improving the form and style of future statutes, would be the appointment of an officer or Board, with a sufficient staff of assistants, whose duty it would be to advise upon the legal effect of every Bill,”

and who would suggest how it should be worded, in order to carry out the intentions of Parliament? In 1857, a Select Committee was appointed for the purpose of considering so much of the second Report as had reference to the improvement of current legislation. This Committee sat for five days and examined five witnesses, but then reported that, having regard to the approaching Prorogation, they were not in a position to come to any conclusion on the subject referred to them. From that day to the present nothing had been done. Mr. Coulson, Mr. Rickards, Sir Erskine May, and Mr. Bellenden Ker were all in favour of some such plan as that he suggested—namely, that there should be a Committee of Revision and Supervision assisted by a legal officer, whose duty it would be to take care that the language of Acts of Parliament was uniform, consistent, and intelligible. This Committee would have no power to enact, but would simply take care that what Parliament meant to enact should be properly expressed. It might be said that a great burden would be thrown upon Members by the appointment of such a Committee. The work, however, would not be arduous. There might be two Committees, one appointed for the first and the other for the second three months of the Session. In this House there were some Members who never

spoke, and many who seldom spoke, and they perhaps for that reason were all the more valuable—men of acuteness and business-like habits, who would be glad to serve upon a Committee of this kind. Sir Erskine May had given it as his opinion that there was at present a waste of good material which might in this way be utilized. The very existence of this Committee of Revision would make Members more cautious in the Amendments they proposed; but even if precious time were occupied in this work, it was better that time should be so spent than that legislation should be imperfect and confused. *Deliberandum est diu quod statuendum est semel.* In conclusion, he would express a hope that the subject would receive due consideration from the House, and that something would be done now or before long to remedy what appeared to him to be almost a public scandal. He (Mr. Forsyth) begged to move the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed, to be assisted by a legal officer, to whom all Public Bills passing through this House shall be referred after they have been read a second time, and again after they have been reported, with amendments, from a Committee of the whole House, and whose duty it shall be to report to the House upon each Bill as to its accuracy of language, consistency of provisions, and harmony with existing legislation,”—(*Mr. Forsyth*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE ATTORNEY GENERAL said, he readily acknowledged that the subject to which his hon. and learned Friend had with so much ability directed attention was one which deserved the gravest consideration. Both the House and the Government were under an obligation to him for having taken up the matter. Without going the whole length of the criticism which had been pronounced upon the present mode of passing Acts of Parliament, or concurring in all his hon. and learned Friend had said, he felt bound to admit that there was a great deal of foundation for it. Of course, in a large measure the inaccuracies and contradictions which were to be found in the statutes arose from the

freedom of discussion which was necessary in the proceedings of Parliament. With regard to the proposal of his hon. and learned Friend, he confessed that it did not appear to him to be practicable in its present form. The Statute Law Commissioners, to whose Report of 1856 reference had already been made, recommended a different kind of tribunal from that which was now suggested. Their recommendation was, if he remembered right, that there should be an officer or Board outside Parliament to whom Bills should be referred from either of the two Houses. A Select Committee was appointed in 1857 for the purpose of having the whole question thoroughly considered; but, unfortunately, it was appointed late in the Session, and had not time to complete the heavy labour imposed upon it. The course adopted on that occasion suggested the course which it seemed to him desirable to follow at the present time. If the hon. and learned Member withdrew his Motion, he (the Attorney General) or some other Member of the Government would ask for the appointment of a Select Committee to inquire into the subject-matter. He was not at that moment prepared to say in what precise form of words the Committee would be moved for; but the matter would not escape his attention, and he trusted the hon. and learned Gentleman would be satisfied with this undertaking.

MR. GREGORY suggested that the evil complained of might in a great measure be remedied by a rule requiring that previous Notice should be given of Amendments to be moved in Committee.

MR. FORSYTH thankfully acceded to the suggestion of the Attorney General; and would withdraw his Motion.

Motion, by leave, *withdrawn*.

BUSINESS OF THE HOUSE — INTRODUCTION AND PROGRESS OF PUBLIC BILLS. — RESOLUTION.

MR. NEWDEGATE, in rising to move the first of three Resolutions, of which he had given Notice, as follows:—

"1. No Notice of Motion for leave to introduce a Public Bill, other than a Bill to be introduced by or on behalf of Her Majesty's Ministers, or a Bill brought from the House of Lords, shall be held to be sufficient, unless copies of such Bill have, three days previous to such

Motion being made, been deposited in the Public Bill Office, or unless the Notice contain a description of the means or method by which the object of such Bill is proposed to be effected."

said: Mr. Speaker, I have on former occasions ventured to call the attention of the House to the subject, to which the suggestions contained in the Resolutions relate. The House has, on several occasions—twice, I think, during the present Parliament—expressed an opinion that it is not advisable to appoint another Committee upon the Public Business of the House. The right hon. Gentleman at the head of Her Majesty's Government, when a proposal was made by the late Government that a Committee on the Public Business of the House should be appointed, expressed in very marked terms the opinion, that it was better that the House should consider any specific suggestions for the improvement of its procedure that might be submitted, before considering the appointment of another Committee. I trust, therefore, I shall be acquitted of presumption if I venture to make some suggestions to the House. I have for this purpose given Notice in the form of three separate Resolutions, and I hope, Mr. Speaker, that you will treat them *seriatim*. The first Resolution suggests, that the House should adopt means to revive its former practice of exercising its discretion and its judgment upon Motions for leave to introduce Bills. The habit of admitting all Bills that may be proposed has become so general, that it is now thought to be discourteous to the hon. Member who asks leave to introduce a Bill, if leave be not granted. I do not mean that this practice is invariable, because on a recent occasion, in the case of a Bill which I myself proposed to introduce, a division was taken upon the Motion for leave to introduce it. At that time I remember saying that the practice had become so unusual as to be almost discourteous; but I never disputed the regularity of that course, though it was a proceeding much disused. In my opinion, a great part of the objects of the Motion which the hon. and learned Member for Marylebone (Mr. Forsyth) has just submitted to the House, would be accomplished by the revival of the practice that the House should and will exercise its judgment on Motions for leave to introduce Bills; because I have known too many in-

The Attorney General

stances in which leave has been granted for the introduction of a Bill, and yet no Bill has made its appearance for three weeks or a month after leave was granted; and upon inquiring in the offices of the House I have been informed that no manuscript had been delivered. It was perfectly obvious, therefore, that some hon. Members had obtained leave to introduce Bills without being at the pains of framing their proposals in such a manner as to render them worthy the consideration of the House before permission to introduce them was asked. Again, Sir, I am sorry to say that in the present Session there have been instances of the House having granted leave for the introduction of Bills early in February, and upon leave being granted the second readings were postponed until very distant days, in one case to a day so distant as the 7th of July. Surely, it must be obvious that a Bill in that position has little, if any, chance of being passed, and that by occupying such a place in the Order Book it stands there merely as an obstruction to proceeding with other Bills. But, Sir, I do not suggest that the House should revert exactly to the former practice, which was to require an oral statement from every hon. Member who might propose to introduce a Bill; so that there should be in all cases a previous statement, antecedent to the statement of the principle of the Bill on the Motion for the second reading. The first Resolution which I suggest is, therefore to this effect—that copies of the Bill, either in manuscript or in print, shall be deposited in the Public Bill Office three days previous to the Motion for leave being made, so as to be accessible to hon. Members of the House; or, in the alternative, if such deposit be not made, that the Notice for leave to introduce the Bill shall contain not merely, according to the present practice, a statement of the title and object of the Bill, but a statement also of the method or machinery by which the hon. Member moving for leave to introduce conceives that the object or objects of the Bill may be attained, because many Bills are introduced into this House almost without any machinery at all. The House is asked to read the Bill a second time—to sanction the mere object of the Bill, for the principle of its action is scarcely indicated, and

then to hammer out for itself in Committee provisions for carrying into effect the object of the Bill. Sir, that, to my mind, manifests a failure on the part of the hon. Members who introduced the Bill; they do not show that they have given such adequate consideration to the matter as would enable them not merely to suggest the object or objects for attainment, but to suggest to the House, probably after obtaining good advice, the means by which Parliament may effectively legislate on the subject, should it see fit to do so. The House will find that the Select Committee which sat in the year 1871 adverted to the object of this my first suggestion in their 6th Resolution. That Resolution was moved by Sir John Pakington, and with the permission of the House I will read it—

“That Members, who desire to move for leave to bring in Bills, without making any explanatory statement, may give Notice of their intention to make such Motion at a quarter-past four of the clock on some future day, and then may make such Motion on such day, in the manner and at the time of making Motions for unopposed Returns, and leave shall be given for the introduction of such Bill without debate, provided no Member then objects thereto.”

That is a recognition by the Committee of 1871, that the practice of introducing Bills without explanation had prevailed to an extent which they could not approve; the Committee therefore unanimously and very properly proposed to interrupt the custom of introducing Bills without explanation, to remove from the individual Member all semblance of a privilege or right to introduce a Bill without making a statement, and for this purpose the Committee proposed to recognize the fact, that the use of that privilege is entirely at the discretion of the House in each case. Such is the intention of that Resolution. I come next to the main difficulty which the practice of bringing in Bills without an adequate exercise of discretion on the part of the House has occasioned; during the last three Sessions of Parliament this has produced a perfect block of Orders, of stages of Bills entered on the Order Book. The House will find that although the non-official Members of the House have not so much as one-third of the time of the House, they have in the course of each of the last three Sessions introduced as many measures as the Government, to whom it has been the pleasure of the House to allot full two-

thirds of its time; and yet, difficulty enough is experienced by every Administration in passing a fair proportion of the Bills they introduce, although they have had two-thirds of the time of the House at their command, and all that power of combination which every Government must possess. Under such circumstances, it is simply absurd to expect that any large proportion of the Bills introduced by the non-official Members of the House, and which have been equal in number during the last three Sessions to the Bills introduced by the Government, should pass and reach the House of Lords. I say it is absurd to expect that non-official Members can pass any large proportion of this number of Bills. Some hon. Members have affirmed that these Bills embody merely the crotchets of individual Members, and that they do not contain matter which is really worthy of the attention of the House with a view to immediate legislation. I cannot deny that there is some justice in such comments; but I would ask, Mr. Speaker, whether this is not in itself a lax practice which ought to be restrained; restrained by the exercise of the discretion of the House; a discretion, the exercise of which, I humbly submit, is essential to the maintenance of the character of this House as a Legislative Assembly, essential to prevent the Order Book from being overcrowded by crude, ill-digested proposals. But this state of the Order Book is not only a misfortune, so far as the credit of the House is concerned; it goes beyond that. Among the large number of Bills introduced by the unofficial Members of the House, there are some which the House has willingly sanctioned on the second reading; but owing to the crowded state of the Order Book, especially after Whitsuntide, it has become morally impossible to carry out the intentions of the House, as expressed on the second readings of these Bills, by sending them up to the House of Lords in time to receive its approval. I have stated that the Order Book has been blocked, and with the permission of the House I will read two short calculations—rough estimates—to show that I am not misleading the House as to the manner in which its time has been distributed during the last three Sessions. I find that in the Session of 1872 the House sat 120 days, and that the average time of its sitting

was 8 hours and 33 minutes per day. In the Session of 1873 the House sat 112 days, and the average time of its sitting was 7 hours and 50 minutes per day. The following Session in 1874 was exceptional. There had been a change of Government, and, practically, the House left its legislative business to a considerable extent in abeyance, until the present Ministry should have had the opportunity of duly considering and of bringing forward the measures they contemplated. In the Session of 1874, then, the House sat 97 days, and the average time of its sitting was 7 hours and 20 minutes per day. How was the time of the House distributed? I will take, first, an average week in the ordinary course of proceeding, when the House meets at 4 o'clock on four days in the week, and on Wednesday at 12. On Monday, a Government day, 8 hours; available for opposed Orders, 7 hours. Tuesday, Notices of Motion and unofficial Orders, 8 hours; available for opposed Orders, 3 hours. Wednesday, unofficial Orders, 6 hours; available for opposed Orders, 5½ hours. Thursday, a Government day, 8 hours; available for opposed Orders, 7 hours. Friday, Notices on Supply and Government Orders afterwards, 8 hours; available for opposed Orders, 3 hours. The average for the week is, therefore, 38 hours; of which 25½ hours were available for opposed Orders, and 8½ hours for unofficial Orders. Thus the Government had 17 hours in the week available for Opposed Business, while unofficial Members had 8½ hours. But the House will bear in mind that a great change has been introduced by the adoption of Morning Sittings, which have commenced sometimes so early as the 27th of May, when not much more than one-half the Session has elapsed. What, then, is the state of things as to time during the prevalence of these Morning Sittings? How is our time divided between Her Majesty's Government and the unofficial Members of this House? Under these circumstances, the House meets at 2 o'clock in the afternoon, suspends the sitting at 7, and resumes at 9. On Monday the sitting would be 10½ hours; available for opposed Government Business, 9½ hours. On Tuesday the sitting would be 10½ hours; available for Opposed Government Business, 4½ hours; and for un-

Mr. Newdegate.

official Orders, 1 hour. On Wednesday the sitting would be 6 hours; available for unofficial business, $5\frac{1}{2}$ hours. On Thursday the sitting would be $10\frac{1}{2}$ hours; available for Government Business, $9\frac{1}{2}$ hours. On Friday the sitting would be $10\frac{1}{2}$ hours; available for Government Business, 6 hours. The general result would be, that during the Morning Sittings, the House would sit 48 hours per week, of which $29\frac{1}{2}$ hours, available for Opposed Orders, are appropriated by the Government, and only $6\frac{1}{2}$ hours were available for unofficial Orders. According to the calculation, in the ordinary state of things, when the House has not adopted Morning Sittings, the unofficial Members have half the time available for Opposed Orders; but, when the Morning Sittings are appointed, they appear to have between one-fourth and one-fifth of the time. It may, therefore, be fairly assumed, that of the whole time of the Session available for Opposed Orders, the unofficial Members have, on the average, less than one-third—in other words, the Government have double the time that the unofficial Members possess—and yet the number of Bills for the last three Sessions introduced by the unofficial Members has been equal to the number introduced by the Government. This proportion may, however, be affected so far as to Government time for their Orders by Supply, and Financial Statements; but the time occupied by Motions by way of Amendment to Supply, made by unofficial Members, may be taken as a set-off, and probably balance the deduction from the Government's time for Orders. I think, therefore, I am justified in stating, that, on the average of the Session, the Government have double the time for their Bills, which is available for the unofficial Bills. Let me now glance at the number of Bills which were introduced respectively by Ministers and by unofficial Members. The total number of Bills introduced in the House of Commons, including Bills brought from the Lords, during the Session of 1872, was 240; of this number, 120 were Government Bills, and 120 non-official Bills. The official Bills passed were 92, and 1 was rejected on division; the total dealt with by the House being 93, whilst there were withdrawn or discharged—that is, not dealt with by the House—27. Then, of the 120 non-official Bills,

30 were passed, 18 were rejected on divisions; making a total of 48 dealt with by the House, whilst 72 were dropped, discharged, and laid aside; in other words, not dealt with by the House. Thus showing that, of the 120 official Bills, three-fourths were passed, and scarcely one-fourth abandoned; and that of the 120 non-official Bills, only one-fourth were passed, and nearly seven-twelfths were abandoned. In the following Session, 1873, the Government introduced 119 Bills, and non-official Members 120 Bills. Of the 119 official Bills 91 were passed, and 2 rejected on divisions, the total dealt with by the House being 93: and the number withdrawn or discharged—that is, not dealt with by the House, was 26. Of the 120 non-official Bills there were passed 26, and rejected on divisions 16; the number dealt with by the House being 42, while there were withdrawn, discharged, and dropped—not dealt with by the House—78. Thus, out of 119 official Bills, three-fourths were passed and scarcely one-fourth abandoned; whereas of the 120 non-official Bills about one-fourth only were passed, and nearly eight-twelfths were abandoned. Let me now take the Session of 1874. In that Session 202 Bills were introduced, of which 101 were Government Bills, and 101 non-official. The number of official Bills passed was 88, and 1 was referred to a Select Committee; the total dealt with by the House being 89. There were withdrawn, discharged, and dropped—that is, not dealt with by the House, 12. Of the 101 non-official Bills 23 were passed, and 17 were rejected on divisions, together 40; whilst 61 were withdrawn, discharged, or dropped—that is, were not dealt with by the House. So that of the 101 official Bills, more than three-fourths were passed, and scarcely one-eighth abandoned; whereas, of the 101 non-official Bills, about one-fifth only were passed; while six-tenths were abandoned. If any one, Sir, will take the trouble to look at the Order Book, I think he will come to the conclusion that the practice of allowing Bills to be introduced, which have not the slightest prospect of being passed, has been carried to great excess. By reviving the old practice of the House, by treating the Motion for leave as a substantive Motion, not as a matter of mere form, you do not debar hon.

Members from bringing in the substance of their proposals by way of Resolution, and taking the sense of the House on the subjects they would thereby introduce. Leave to introduce a Bill can only be obtained by a Motion; why should not the House, upon that Motion, having ascertained the character of the Bill, express an opinion not merely upon the merits of the Bill itself, but also upon the fitness of the proposal to occupy a place on the Order Book, to the interruption of the passing of other measures, and so to occupy the attention of this great Assembly on repeated occasions? For, remember, that when the House grants leave for the introduction of a Bill, it grants leave to the hon. Member in charge of it to appropriate to the consideration of the subject which he introduces, a portion—perhaps no inconsiderable portion—of the time of the House. I regret that the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) is incapacitated by ill-health from being in his place this evening, for I have reason to believe that this subject has engaged his attention. I think I can show, from a public declaration on his part, that he is convinced that unless the House again insists upon the exercise of its discretion with regard to subjects which are to be brought under its attention, which are to occupy its time, gradually the House will lose all command over the time appropriated by it to the Business of unofficial Members. In the year 1873, I moved for the appointment of a Select Committee on Public Business, so far as the time appropriated to the Government and to unofficial Members respectively. The right hon. Gentleman the Member for Greenwich was then Prime Minister, and in reply to my observations thus spoke—

“While private Members squabbled with the Government, and the Government with private Members, the cardinal difficulty lay in the quantity of Business and the fixed quantity of time to do it in, and it was to the economical distribution of that time to which the House would have to look, rather than to any great advantage to be gained by private Members at the expense of the Government.”—[3 *Hansard*, ccxv. 240.]

Colonel Wilson-Patten, now Lord Winmarleigh, followed in the same debate, and used these expressions—

“The other day he counted the number of Bills awaiting discussion which had been

brought in by hon. Members. He found there were no fewer than 66 Bills on the Order Book.”

Colonel Wilson-Patten was speaking on the 27th of March. It is now only the 19th of February, yet the Bills introduced by hon. Members already exceed 66. Colonel Wilson-Patten went on to say—

“He had not counted the Notices of Motion, but they were very numerous. It was clearly impossible that all of them could be considered and passed through their various stages in the time at the disposal of the House. The truth was, that the measures introduced by private Members impeded each other, and would continue to do so under any system that had been suggested. The only thing that would facilitate the passage of a portion of them would be the withdrawal of the rest. . . . Business had so increased that its discharge was almost impossible under any rules, unless, as he had stated, hon. Members whose Bills had no chance of passing, would at once withdraw them—a course, however, which it was hopeless to expect, every hon. Member naturally thinking his own Bill an important one.”—[*Ibid.* 242-3.]

Having given to the House the opinion of the late Prime Minister, and of a Peer who was at one time the Chairman of our Committees, and was ever distinguished by the assiduous ability with which he applied himself to the Business of this House, I appeal to non-official Members themselves who have observed the state of Business during the last three Sessions, whether Colonel Wilson-Patten was not right, when he said that Bills which as they must see have no chance of passing, ought either not to be introduced, or ought to be withdrawn in good time? It is strange that so great an Assembly as this should submit to have its time during a third of the time of the Session embarrassed by the inconvenience, the hap-hazard, of an overcrowded Order Book.—I have hitherto been speaking upon the 1st Resolution in my Notice. By the 2nd Resolution I propose to apply the principle of Lord Redesdale's Resolution, which has long been adopted by the House of Lords, with respect to Bills sent up from this House too late in the Session for their adequate consideration by the House of Lords. Lord Redesdale claimed for the House of Lords the exercise of a discretion as to whether they would entertain any of these Bills after a certain date in the Session. I propose that this House should claim the same kind of discretion in the terms of this Resolution by declaring—

Mr. Newdegate

"That no Order for any stage of such Bill shall be appointed for any day more than a month from the date of the previous stage of such Bill, with a view to the further consideration of such Bill during the Session, unless the House, by special Resolution, of which the usual notice shall have been given, shall otherwise direct."

We have already a Rule that no hon. Member shall be permitted to give a Notice of Motion further forward than a month from the day on which he may obtain leave to introduce it; and why should we not apply the principle of that Rule to the stages of Bills? Why should we countenance such a practice as that when a Member has, in February, obtained leave to introduce a Bill, which is always granted upon the presumption that he hopes it may pass into law, he should, as in a case we have before us, be allowed to appoint the second reading for so late a day as the 7th of July? It is almost a moral impossibility that this Bill should become law, were it to obtain the sanction of this House. But there is a further objection to this practice, and this is—that the Bill, which so stands for second reading on the 7th of July, obstructs the passage of other Bills in their latter stages which the House has approved and desires to see passed. This is a matter, however, in reference to which I think the House should not adopt as an absolute rule that no stage of a Bill shall hereafter be appointed for a day later than a month; but should declare that if any of the stages of any particular Bill are to be appointed further forward than a month from the date of its introduction, or its last previous stage, then Notice should be given to the House that an application will be made for permission, so that a further postponement of any stage of such Bill shall be the special act of the House according to its discretion, and not be considered in any sense within the privilege of the individual Member who has charge of the Bill. The third suggestion is, I have been told, rather too comprehensive. It is in these terms—

"No such Bill shall be appointed for Second Reading after the Whitsuntide Recess unless the House"—acting on the principle of Lord Redesdale's Resolution—"by special Resolution, of which the usual Notice shall have been given, direct that such Bill be appointed for Second Reading at a later period of the Session."

Now, the object of the Resolution is this—It has been deemed expedient that

the House should entrust to Her Majesty's Ministers' to the Executive the origination of by far the greater part of the legislation which is submitted to this House. I have shown that on the average of two Sessions—namely, 1872 and 1873—the Government introduced in round numbers 120 Bills, and that they passed three-fourths of them; but it has become the invariable practice that before Whitsuntide, whoever may be Ministers of the Crown, should declare which of their Bills then standing on the Order Book they intend to proceed with, and which to withdraw. My 3rd Resolution—or, rather, I should say, suggestion—proposes that the House should, before Whitsuntide, exercise a similar discretion with respect to those Orders and Bills standing in the Order Book that have been introduced by the non-official Members. I have thought, and thought deeply, whether it would be possible for non-official Members to act separately from the Government, but together among themselves, in the regulation of their business. I am convinced that this is impossible, and that it is only by calling upon the House itself in the aggregate to decide at its discretion which Bills shall be proceeded with after Whitsuntide, and which Bills shall be arrested or withdrawn, that we are likely so to clear the Order Book as to enable the House to carry out its intentions with respect to the Bills it has not only allowed to be introduced, but has approved after their introduction. The House could thus relieve itself from the difficulties caused by an overcrowded Order Book, relieve itself of having to debate Bill after Bill, introduced by hon. Members with no reasonable expectation that, after all this waste of time, after the trouble they give the House at large, these Bills will at any reasonable period, if ever, become law. These suggestions are, I hope, not extravagant; and I trust the House will remember that it is only after a Committee on Public Business has been repeatedly refused, and last refused when I myself moved its appointment, that I have ventured to lay these suggestions before the House. I have now been a Member of this House for more than 30 years; I was a Member of the Select Committee on the Public Business of this House which sat in 1861, and again

I was a Member of the Committee on Public Business in 1871, and as the result of this experience I humbly submit to the House these suggestions for relieving the unofficial Members and the House from a real difficulty. I do not deny that there are advantages in having subjects for legislation submitted to the House in the form of Bills; I believe that the exertion of attempting to reduce the matter into legislative form has a wholesome effect upon the hon. Member who desires to occupy the attention of the House; for this exertion is calculated to dispel chimerical expectations and ideas in himself and in others, which may have been excited by glowing declamation; becoming acquainted with the difficulty of practical legislation may sober many who might otherwise indulge in wild exaggeration, may induce them calmly to consider the practicability of compliance with their demands. But if this advantage is to be obtained, the Bills must be well framed, so drawn as to be worthy of being submitted to this House; we should thus escape those specimens of crude legislation, which too often absorb and waste the time allowed to the unofficial Members by this House. It is far better that the House should consider each Bill, each proposal at the initial step, and if any hon. Member does not produce evidence that he is competent to submit a feasible framework of a measure for legislation, the House should not allow him to occupy a position on the Order Book with his Bill, which thus wastes time and becomes obstructive of other measures. I than the House for allowing me to submit these suggestions to its notice. I can assure you, Sir, that out-of-doors this subject has attracted considerable attention. I have always entertained an earnest desire to contribute, however humbly, to the maintenance of the high character of the House, and to the efficient discharge of its duties; and it is with that feeling that I submit to the House the 1st Resolution, which I have now the honour to move.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no Notice of Motion for leave to introduce a Public Bill, other than a Bill to be introduced by or on behalf of Her Majesty's Ministers, or a Bill brought from the House of Lords, shall be held to be sufficient, unless copies of such

Bill have, three days previous to such Motion being made, been deposited in the Public Bill Office, or unless the Notice contain a description of the means or method by which the object of such Bill is proposed to be effected,"—(*Mr. Newdegate*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DISRAELI: Sir, my hon. Friend in introducing these Resolutions has referred to an observation of my own made, I believe, last Session, in which, while expressing an opinion that it was not expedient that the Committee on Public Business should be again appointed, I thought it advisable that individual Members should offer to the House any suggestions for the improved management of our business. I am not surprised that my hon. Friend the Member for North Warwickshire should have undertaken the task, for few hon. Members have given so much attention to the transaction of Public Business as himself, and he has, I believe, sat on more than one Select Committee whose recommendations have obtained the sanction of the House. At the same time, I may state that, looking at these Resolutions, and occupying the position which I do at this moment, I can view them with impartiality, because these Resolutions, although in effect they propose that great alterations should be made in the mode of conducting Public Business, and although they make restrictions in the conduct of private Members, yet they do not apply to Her Majesty's Government. With regard to these three Resolutions, I would make three remarks. As to that which would require copies of Bills to be deposited in the Public Bill Office three days previous to their announcement in this House, I would ask the House to consider what a remarkable alteration that would make in the initiation of business. The House can hardly have forgotten that on the first night of our meeting there were nearly 50 Notices, the majority of which related to Bills involving proposed legislation; and, in fact, the business of the Session can be well indicated on the first night; but that would not be possible if this Resolution were adopted, for not a single Notice could be given on the first night of the meeting of the House.

Mr. Newdegate

When the House has been in Prorogation for a long time, the House naturally expects some expression of opinion on the part of hon. Members as to the subjects which require legislation or notice; but under this Resolution the first night of the Session would be a dull and silent ceremony, without the slightest echo of any feeling in the public mind, or any recognition of the pulse of public opinion, such as would be expressed by the meeting of a great popular Assembly under circumstances of considerable expectation, and when Parliament has been opened perhaps by the Sovereign herself. I now come to the second Resolution, which, as it seems to me, would practically add another stage to every Bill. While these Resolutions are brought forward to hoard the time of the House, and to prevent any unnecessary expenditure of that important element, this Resolution, so far as I can collect, would increase in number the stages of a Bill, which, though many think them too numerous, I am not prepared in any way to diminish, though I think they are ample to secure the liberties of the country. The third Resolution appears to me to be of a very peculiar character; the practical effect of it is an early Prorogation of Parliament for private Members. [*Laughter.*] That really would be the consequence of that Resolution. Certainly, the feature of these Resolutions is increased restriction. What is the ground on which my hon. Friend thinks it necessary to bring forward this code of restriction on our proceedings? It appears to be this—the official Members and the unofficial Members, generally speaking, propose an equal amount of legislation every year. Say, for example, 120 Bills are proposed by official Members and the same number by unofficial Members. The result is, that the official Members pass 100 of their 120, and the unofficial Members pass 20 of their 120. My hon. Friend seems to think that that is a very great evil—not that the Government measures are passed; he wishes them to be; he says that the Government have double the time of unofficial Members, and he does not grudge them it; but he says it is a great evil that the unofficial Members should have the privilege of introducing 120 Bills and passing only 20. I am not so clear that that is a great evil. In the first place, you must look

at the essential difference between Bills brought in by a responsible Government and Bills that are brought in by independent and irresponsible legislators. Generally speaking, no Bill is brought forward by a Government that is not to a certain extent called for by public convenience and public necessity; but Bills brought forward by those who are not responsible in that light, by those who are described by the hon. Gentleman as unofficial Members, are generally Bills that are essentially of a tentative character. It is very true that many Bills are brought forward in this House by hon. Gentlemen who do not contemplate their being passed, and do not even wish them to be; they are convinced, their constituencies are convinced, or some party or section of the country is convinced that legislation is necessary upon these subjects; they prepare Bills, and create a public opinion and hope in time to pass laws, the beneficial character of which is ultimately acknowledged. But that is a process which is necessarily peculiar to an Assembly like the present; it does not appear to me to be necessarily disadvantageous; and I am not at all prepared to say to the unofficial Members—as my hon. Friend's proposition practically does—"You are to be so tied and so restricted that, in fact, you shall be allowed to bring in only 20 Bills, with the prospect that you shall then be able to carry them." I cannot think that any alteration of that kind is at all needed. My hon. Friend says he objects very much to the practice of introducing Bills of which there is no prospect of their being passed in the Session; and he is in favour of the House making more use of that stage of the Bill in which the Member asks leave to bring in the Bill, so that they may decide upon that occasion whether the Bill should or should not be brought in. I have very great doubt whether that would be an expedient course. It is very difficult to decide upon a question, which is complicated enough to require legislation, on the mere statement of an hon. Member; that may be as clear as possible; when you see the means by which he proposes to carry out his suggestions you find that some of them are inconsistent and impracticable; and until you have the Bill really before you, I do not think it is possible to form anything like a sedate opinion on his

proposal. On these grounds alone, I am against the opinions which have been indicated by my hon. Friend. I know I shall be considered heretical in what I say; but I confess, referring to my own experience, which is longer even than the 30 years of my hon. Friend, I am not of opinion that there is too little legislation in this House. I think there is enough — there is sufficient, and it is sufficiently well grounded — and, although Acts of Parliament are not drawn up with the strict laws of literary composition, and although a Judge may, perhaps in a moment of irritation, due to the heated atmosphere of a crowded Court, occasionally sneer at our labours, and at an expression in some of our productions, I doubt very much whether, considering the kind of legislation which goes on, and the difficulty and complexity of the subjects which we have to encounter, results as favourable as we accomplish can be paralleled in any other Assembly in any other country. I really wish the House to give their opinion, and I do not wish in any way to dictate my own. The Resolutions do not affect the conduct of the Business of the Government, they concern the unofficial and independent Members. If they are prepared for increased restrictions—if they are prepared to give more time to Her Majesty's Ministers, I can only say that any boon of that kind will be received on our part with the utmost courtesy and gratitude. I wish hon. Members to understand that the observations I have made have reference to their interests, and not to those of the Government. I have a high respect for my hon. Friend. He could not have arrived at these Resolutions without much thought, research, and experience; but from what I know of attempts to deal with the procedure and conduct of Business in this House, I have come to the conclusion that, though, no doubt, there are changes which on happy occasions we may avail ourselves of, the general rules upon which our procedure is based are sound and beneficial.

MR. OSBORNE MORGAN said, the fact that there had already been two discussions this Session in regard to the arrangements affecting independent Members proved that those arrangements were not entirely satisfactory. Now that the half-past 12 rule had been adopted in all its rigour, private Mem-

bers had no opportunity to carry through the House a Bill which was the subject of serious discussion. That was more especially the case, when it was recollected that Bills of private Members were brought forward after midnight—no opportunity offering for them to introduce them at an earlier time of the night. Last Session, by an elaborate calculation, he ascertained that the time at the disposal of independent Members who had introduced Bills did not average more than 43 minutes and a few seconds. On the first night of that Session, 40 hon. Members sat for five or six weary hours, each having in his hand a paper with a bit of green riband round it. A more dismal set of objects it was impossible to conceive, and the agony they endured while they sat looking at each other was enough for the rest of the Session. With regard to the first Resolution, he came down rather prepared to support it; but after hearing the speech of his hon. Friend, he felt bound to oppose it. If adopted, it would cause three discussions on the principle of a Bill instead of two; and, therefore, so far from expediting, it would retard the progress of a measure. He could not see much objection to the second Resolution; but to the third, and by far the most important of the Resolutions, he must offer his most strenuous opposition. If that Resolution were carried, the result would be that only one-half of the Bills introduced by private Members would ever reach a second reading. The County Franchise Bill had been put down for the 7th of July, because, before Notice could be given of its introduction, every Wednesday in the Order Book up to that date was already full; and if the rule of the House were in accordance with that Resolution, it could never be read a second time at all. As the Prime Minister had pointed out, if private Members under the present system did not succeed in legislation, they got discussion. A subject was thoroughly ventilated in the House and discussed in the public journals, and thus became ripe for legislation. It was in that way that the Factory Bill of last Session, though brought in by a private Member, was, after discussion, judiciously taken up by the Government, and formed one of the few legislative results of the Session. In the same way he did not despair of the Burials Bill being taken

Mr. Disraeli

up by some Government and passed into law.

MR. ANDERSON considered the Resolutions entirely impracticable. If the first were adopted, another Resolution would be necessary, requiring that only a certain number of Bills should be introduced in any one night. There would be a rush on the first night of the Session to get the Bills printed, and there would be so many to get printed and distributed and read, that it would be impossible to comply with the conditions laid down, or for hon. Members, under those conditions, to make themselves acquainted with the nature and the provisions of the Bills which were introduced. The second and third Resolutions would, in fact, add two more stages to those which already stood between the introduction of the Bill of a private Member and its passing. There were too many obstacles already, and he was not inclined to add to their number.

MR. DILLWYN approved of the first Resolution. Under the present system, Bills jostled each other too much to permit of their proper consideration. He thought the great evil of the present system was that, all Bills being introduced without discussion, became Orders, and thus the Order Book was too crowded after Easter; but these Resolutions would ensure many Bills being disposed of before Easter. The House would thus have more serious work before Easter, and lighter work after Easter.

Question put, and *agreed to*.

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred till Monday next*.

ADULTERATION OF FOOD AND DRUGS

BILL—[BILL 62.]

(*Mr. Sclater-Booth, Mr. Clare Read.*)

SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH, in moving that the Bill be now read a second time, said, that the first Act upon this subject was passed in 1860, and was rendered necessary by the frequent complaints of purchasers from retail tradesmen, of the injury to which they were subjected by the prevalence of adulteration. That Act was in operation for 12 years, when

it was entirely re-cast, partly under the auspices of his noble Friend (Lord Eustace Cecil) near him, and the question was then mixed up in a great degree with sanitary considerations. In the second Act authority was given to institute proceedings, and the appointment of an analyst was made *quasi*-compulsory on the authorities, who had to do with it, and the law had a sanitary object. The language of the Act was founded on the idea of adulteration, which was to be prohibited, not only because it was a fraud upon the purchaser, but also because it was an injury done to the community. But the Act was soon found to be attended in its working with serious difficulties, partly caused by the want of any definition of the word "adulteration" in the Bill. Judges differed, and magistrates were unable to understand what was exactly meant by the word. Again, as regarded some of the most important operative clauses there was a failure of justice, and, on the other hand, the Act caused heart-burnings and sometimes led to very serious cases of hardship and even injustice. With respect to the article of tea particularly strong complaints were made, and when he acceded to his present office he found a general opinion that though the Act was of so recent a date the time had arrived for reconsidering it. Consequently, about a year ago, he asked the House to appoint a Select Committee with a view to some amendments during the last Session of Parliament, and the House was pleased to accede to his proposal. He stated to the House at that time that his object in proposing the Select Committee was to mitigate the hardships which were undoubtedly imposed on traders in many cases by the law as it stood, but still more to facilitate and make plain the operation of the law so that the advantages which the public unquestionably possessed by the existence of those Acts might be preserved to it unimpaired. It was not, therefore, the intention of the Government that the securities to the community should be in any respect broken down. The Committee found their labours grew upon them, time went on, and the Report was not in his hand early enough to enable legislation to be pressed on last year. Having to consider the matter during the Recess, the first question was, whether the new

Bill should be laid down on the same lines as the old, and whether the same language should be used in its operative clauses. The experienced draftsman to whom the preparation of the Bill was entrusted, had the recommendations of the Select Committee before him, but found it impossible with satisfaction to himself or with any assistance which he (Mr. Selater-Booth) could give, to frame such a definition of the word "adulteration" as could be relied upon as the basis of permanent legislation on the subject. The consequence was, that what would be regarded as the operative clauses of the Bill had been drawn up in a different way, and an attempt had been made to lay down in the clauses the things exactly prohibited and the exceptions which might fairly release the trader from penalty. By an unfortunate error of the printer, with which the draftsman had nothing to do, the measure was still an Adulteration of Food Bill, but it was obvious that its title should be "The Sale of Food and Drugs Bill." The Bill was arranged in five parts; it described the offences prohibited, laid down rules for the appointment and duties of analysts, and regulated the proceedings against offenders; then there were some special provisions with regard to certain offences, and some important clauses with reference to the new duties imposed on those who were to carry out the measure. It prohibited under heavy penalties the admixture with food and drugs of any ingredients injurious to health, or the sale of any article not of the nature or quality demanded by the purchaser, with certain exceptions. Opinions might vary as to the value of the list of exceptions which had been made, but in Committee he would be happy to hear what might be said on the subject, and accept of Amendments which might appear to be reasonable. He wished that every security should be given to the public, but so that the reproach which had been cast upon Parliament for not removing certain hardships which existed could no longer be used. A new provision, which was very much required, had been added—in effect, that the interference with some articles so as to affect its quality should be subject to penalty. Under this provision, the offence of selling milk which had a portion of its nutritious qualities taken away from it would be rendered

penal. The Bill also provided that where there was an article which was sold mixed with something else for the convenience of the buyer and the seller equally, the mixture should be in proper proportions; and in the event of a legal question arising, it would be for the seller to show there was no excess of one ingredient to the disadvantage of the buyer. Under the old Act, the seller of retailed articles was obliged to declare orally to his customers if there had been any admixture. That provision had been seriously complained of, and it was obvious that in any shop where a large business was done, this express notice could not be given or insisted on. It was therefore now proposed that it would be sufficient if a label stating the fact was affixed to the article. The Select Committee had recommended, as against the practice of the existing law, that the appointment of analysts should be made compulsory on the authorities. But there were objections to such a course, and it seemed to him (Mr. Selater-Booth) that they were not in a position to go so far. In the first place, the number of candidates for these appointments was not very considerable, and great difficulty had been experienced in getting competent analysts. Then, though you might make an authority appoint an officer, you could not without stringent legislation make him put the officer in motion. He knew from the experience he had in other branches of administration how easy it was to make a colourable appointment, and then to take care that the person appointed should not do that which the law contemplated. Further, he did not think it advisable that the appointments should be too numerous, if a smaller number would be sufficient. It was clearly desirable that a small borough, for instance, should have inducements held out to appoint the same person as had been appointed in a large borough or town in the same county to discharge the duties, rather than to have separate analysts for each separate town. It had been recommended by the Committee that in the event of a trader refusing to allow an article to be carried off for analysis, the policeman might seize the article on tendering to him its money value. Government, however, thought that somewhat too strong, but they thought they would

Mr. Selater-Booth

meet the justice of the case if they made the refusal to supply samples for analysis an offence under the Act. The report of the analyst would be *prima facie* evidence to support the charge, and the obligation to disprove it would be upon the tradesman. As a matter of common justice, the dealer and his wife would be admitted to give evidence at their trial, and he thought that when they were examined before magistrates accustomed to deal with such questions, a just decision would be arrived at. This led him to a provision to which he had given anxious consideration—namely, that if the defendant in any prosecution produced a warrant of the purity of the article from the person of whom he had bought it, and also proved to the satisfaction of the justices that he sold it in the same state as when it came into his hands, he should be discharged. In another part of the Bill there was a penalty provided for the forgery of any such warranty. There had been some consideration whether they should not proceed against a man who gave a false or incorrect warranty; but they had, after a time, abandoned that idea, inasmuch as it would be bringing into a Court of summary jurisdiction a matter which, possibly, could only be dealt with by another tribunal. Proceedings, however, might be taken by the seller against the person who had given such a warrant, in the event of the article proving to be adulterated. The fines obtained from prosecutions would in future go to the authorities who were charged with the carrying out of the Act, instead of to the police, and it was hoped that this would prove an inducement to those authorities to have the provisions of the Act strictly enforced. As a great many of the prosecutions which had been instituted under the present Act had reference to the adulteration of tea, power was given to the Customs to have that article analysed on its arrival in this country, and, as a rule, the adulteration taking place abroad, he thought, although he was not too sanguine in the matter, that soon they would hear little about the adulteration of tea. The retail dealer would still have to look out for himself, and there could, he thought, be no objection to that, inasmuch as it was for the public good. The Report of the Committee stated that the old Acts had been the means of much good, not

only directly, but also indirectly; and if the present Bill came into operation he was satisfied that the system of adulteration of food and drugs, which was a great scandal not many years ago, would soon be reduced within very narrow limits. Already analysts had been appointed in 34 out of 54 counties; and he had no doubt that under the present Bill, the number of such appointments would be largely increased. The Committee were strongly of opinion that mixtures of coffee, cocoa, mustard, &c., which were expressly labelled as mixtures, should be allowed for the sake of the public taste, and their recommendation on this point had been adopted in the Bill. If the consumer desired those articles mixed, and they were harmless, there seemed no reason for prohibiting their sale. At prosecutions it would not be necessary for the analyst to attend, unless his presence was expressly desired, and samples for analysis might be sent through the post. A body of gentlemen representing the public analysts had, he was happy to say expressed approval of the general principles of the Bill, though, of course, they had suggestions to make in their own interest, some of which he should be able to accept. He hoped the local authorities would take steps to secure prompt execution of the Bill in case it passed into law, and at the same time to ensure fair hearings for all persons concerned in cases of prosecution. The measure would tend, he believed, to facilitate the conduct of proceedings before the local authorities—to enable proceedings to be conducted with greater speed, less hindrance, and fewer technical objections before the magistrates—and would tend greatly to the public advantage; and if that result could be attained it would be doing a great deal. The Bill, though not of first-rate importance, was nevertheless one in which great public interest had been taken. It had been prepared by a person of great skill and practice in these matters, and its provisions had all been very carefully considered. Still, he was far from saying that some of the clauses were not open to Amendment in Committee. Several Amendments had been placed upon the Paper, and these should receive the best consideration; but he hoped to be able to maintain the principle of the measure as affecting the

security of the public, and to remove the reproach that existing legislation was gratuitously injurious to the interests of trade. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Selater-Booth.*)

MR. SANDFORD said, he had not read the Bill with unmitigated pleasure. It was framed, he thought, rather in the interest of the wholesale dealer, than in the interest of the public; and his impression was, that if passed in its present form, it would lead very considerably to the adulteration of food. Twenty-two years ago he had something to do with the passing of an Act on the subject. At that time, there was no doubt that the public were not only cheated, to use the classical language of the Secretary of the Board of Trade, but they were also poisoned; and if, at the present moment, they were only cheated, and not poisoned, they were very much indebted to legislation on this subject. He must, therefore look with considerable alarm on any measure that would lead to a restoration of the old state of things. His right hon. Friend said, in his opening speech, that the great grievance at the present moment was that adulteration was not properly defined. Well, his right hon. Friend did not attempt in this Bill to define adulteration. Therefore he left unredressed, and without any attempt to redress, that which he admitted to be the great grievance of the present state of things. When they came to what his right hon. Friend described as the main clauses of the Bill—namely, the 5th and 6th—they found that in order to procure the conviction of a person who sold adulterated goods, it must be proved that he had full knowledge that they were adulterated. Now, it was notorious that when proof of such knowledge was required, it was impossible to get a conviction. It was impossible to prove a man's knowledge of the adulterated character of the goods which he sold. But he passed on to Clause 7, because that, as the Bill at present stood, was the single clause under which you could obtain a conviction. Well, what did the 7th clause say? It said that no person should sell an article mixed for any of the purposes mentioned in the excep-

tions before set forth, if the matter mixed was more than was ordinarily required for the purpose; so that you would have to consider Clause 7 in connection with some previous exceptions. It would be most perplexing for any magistrate to decide upon Clause 7. We all knew that what was necessary in dealing with this subject was, that the poor man should be protected—that when he believed he was buying a wholesome article of food, he ought to be protected against the sale of an unwholesome article. But if a poor man bought an article, he (Mr. Sandford) did not see how he would be protected under the Bill. The Bill said that dealers should offer goods for sale according to the "usages of the trade." But how was a poor man to know what was the usage of trade when he bought an article? Another objectionable feature of the Bill was, that it left the appointment of analysts in the hands of town councils. When he sat on the Committee that inquired into the subject, persons complained, perhaps with justice, that they were condemned upon what they believed to be not sufficient evidence—that the persons who had been appointed to analyze did not possess sufficient knowledge for the purpose. Therefore he contended that in amending the Act, the first thing you should do was to provide that a better description of analysts should be appointed, and that their number should be reduced. He believed that if England were divided into three or four portions, and one able analyst were appointed for each of those divisions, that number of analysts would be quite sufficient. He examined almost every witness upon that point, and they told him, he believed unanimously, that almost every article could be sent to an analyst, no matter how distant, from one end of England to another. He was not going to mention names; but he would say that in certain towns, analysts were appointed with the express understanding that they should take no action against any person in the town. If you considered for a moment of what persons the municipal council, especially in large towns, was to a great extent composed, you would perceive that they were the very class of persons to be proceeded against. Therefore, he thought the appointment of analysts ought not to be left in their hands.

Mr. Selater-Booth

There was no doubt that the Act had pressed hardly upon some retail dealers, and he thought it was of very great importance that retail dealers should be enabled in some more expeditious way to proceed against wholesale dealers for having sold to them adulterated goods. But if the House wished to put down adulteration, if they wished at the same time not to press heavily upon retail dealers, the persons whom they ought to endeavour to punish were the wholesale dealers. Now, if one class of persons was favoured more than another by this Bill, it was the wholesale dealers. He came to another point—the inspection of tea in bond. He was opposed, in the Committee, to an inspection of tea in bond, and he would tell them why. He did not like to throw that duty on the Government. He thought it was the duty of the wholesale dealer to take care that he did not import an adulterated article. Wholesale dealers were not such poor people that they could not pay the expense of an inspection of goods which they imported into this country, in order to ascertain whether they were adulterated or not. He thought that on them lay the responsibility of not introducing into this country an adulterated article. If the system of inspecting tea was to be introduced, why was inspection to be confined to tea? If the system of inspection of tea was to be introduced, the principle should be extended to every article of food. Under the present Act, adulteration had been reduced to a minimum quantity; but if they were going to return to the old state of things, and to require knowledge on the sale of adulterated articles, then he said they were going to re-establish the state of things which existed 22 years ago, and which shocked the public when it was exposed before the Committee that sat. He was quite sure his right hon. Friend would be only too anxious to attend to any suggestions that might be made. He would venture to put on the Paper some Amendments which would embody the observations he had made, and he had only to request that his right hon. Friend would not fix too early a day for going into Committee on the Bill.

MR. MUNTZ said, he had not the slightest intention of opposing the second reading of the Bill; but he joined in the request that the Government would give

as much time as possible for the consideration of the measure, so that hon. Members might be able to confer with those who were more especially interested in the subject, and to ascertain what was really wanted to meet the wishes of the public and of dealers. He observed that the Bill contained a clause specially providing that the Bill should not apply to Scotland in Ireland. He could not understand why that clause was inserted. The working of the Act seemed to give satisfaction in Ireland. Dr. Cameron, the analyst for Dublin, was decidedly in favour of the Act, and if he (Mr. Muntz) remembered right, that gentleman stated that before the Act was put in operation in Dublin the “usage of trade” amongst the milk-sellers was, to every gallon of milk to add two gallons of water; but that since the Act came into operation, the water had disappeared, and the milk was sound. That, he thought, ought to be sufficient reason for continuing the operation of the Act in Ireland. The particular fault mentioned was, that there were only two or three analysts appointed for several towns, and that consequently there was a difficulty in meeting the public requirements. He could not remember the evidence that was given as to Scotland, but he believed the evidence was that in Edinburgh, at all events, the milk never had been adulterated. As to the word “knowingly,” if it were retained in the Bill all attempts to check adulteration would be hopeless. He also objected to the use of the words “according to the usage of trade,” on the ground that trade usages were often anything but what they ought to be. There was in the Bill another clause, which provided that if a defendant proved he had sold the article in the same state in which he had purchased it, and with a warranty in writing to that effect, he should be discharged. It was obvious, however, that, even if there were a warranty, it would afford no evidence that the article had not been wilfully adulterated, because the warranty might have been given by a man of straw. The recommendations of the Committee were, that if a warranty in writing were produced by a defendant, the case should be adjourned, and that the justices should direct a summons to be issued against the person or persons from whom the defendant had purchased the articles, who, if found guilty of adulteration,

should be liable to the penalties imposed. For his own part, he could see no objection to the insertion of a clause embodying those recommendations of the Committee. Certainly, the wholesale dealer ought to be held responsible, if it were clearly proved that the retailer purchased the articles of him in an adulterated state. If that alteration were made in the Bill it would be a most valuable one. In Birmingham and the neighbourhood there was a large number of respectable grocers, who did not object to a Bill against adulteration, though they were averse from being annoyed by analysts who did not understand their work. Then, further, if tea were to be inspected in bond, why should not wine be inspected also? More persons were poisoned by wine than by tea, and what the Committee heard about Hamburg sherry was enough to make people turn teetotalers next morning. It would, in his opinion, be dangerous for the Government to undertake the examination of tea in bond, and both his hon. Friend the Member for Maldon (Mr. Sandford) and himself opposed Government inspection in the Committee, but they were beaten by a majority of 1 or 2. If the principle were once admitted it would open the way to the introduction of a whole army of Inspectors for the examination of other articles in bond besides tea. He was thoroughly opposed to the systematic robbery of the poor, and, although the present Bill was far from perfect, it might, if amended in the way he had indicated, prove a very useful measure.

Mr. PELL said, the hon. Member for Birmingham (Mr. Muntz) had misunderstood the 2nd clause, which, in fact, extended the operation of the Bill to Ireland and Scotland. He mentioned that in order to show the difficulty under which hon. Members laboured in consequence of the short time given to them for the consideration of measures. Under the Bill no fewer than 280 separate authorities would have the power, if they chose to exercise it, of appointing a petty officer to undertake very important duties. That number of authorities was far too large, and he should like to see some limit of population placed to the authorities who might appoint analysts. If, however, they prevented a small borough from appointing an analyst, the inhabitants who desired to have an

article analyzed could go to the adjoining area to have it done for them. But then came the obvious inference that they would get the services of an officer who was paid by one local authority doing the work of another without their contributing to remuneration. That arose very much from Clause 12, which limited the charge for the performance of a very intricate duty, and one which required a man of high standing and education, to the inadequate amount of 10s. 6d. A number of analyses would be worth nothing, if performed for such an inadequate sum. The analyst's remuneration certainly was to be made up by salary, so that when he was appointed he would know the maximum he could get for his services; but the salary was to come from one portion of the community — namely, those unhappy people who, up the present moment, had contributed exclusively to many charges which ought to be borne by the community generally. He should propose an Amendment to remove this maximum amount to be paid for an analysis, for he thought it only fair, since the Government retained a voice in the appointment of the analyst, that his salary should be partly paid by contributions from the Imperial Exchequer and the local authorities. He hoped that the Amendments to be submitted in Committee would receive favourable consideration from the Government, and that the Bill would be improved in many of its provisions before it was allowed to pass into law. His fear was, that there was a danger of no public analyst being appointed at all, seeing that the option of such an appointment was to rest with the 280 local authorities to whom the Bill would apply. Such a result would be a misfortune, more especially where the public mind was strongly in favour of the appointment of an analyst. He trusted the danger would be avoided, and that where the Government exercised any supervision they should be prepared to contribute annually towards the cost of such officials.

Mr. WHITWELL said, he was glad to hear of the proposal to stop the import of bad tea, and he hoped the right hon. Gentleman in charge of the Bill would give the House some idea of what the conditions were under which it was proposed to allow questionable tea to go

Mr. Muntz

into use. It might be difficult to deal with all articles upon importation, for in many cases articles of consumption were adulterated afterwards. Clause 8 seemed to enact that, if the ingredients introduced for the purpose of adulteration were not hurtful, the articles sold might be described as "mixed." Surely, however, that was not sufficient, for in his opinion, the ingredients mixed with the original article ought to be stated; because it would be more satisfactory to persons purchasing, to know what the article was mixed with, than merely to know it was mixed. He thought, also, that the Bill should not be limited to articles of food and to drugs. Why should it not include snuff and tobacco? The Report of the Inland Commissioners showed a very extensive adulteration in the latter article. Out of 71 samples offered to the Excise, not less than 51 were adulterated; while sugar was adulterated with sand and other inorganic matter sometimes to the extent of 50 per cent. Another matter stated in the same Report was, that methylated liquors were greatly reduced in strength, and that, in his opinion, was a matter deserving consideration.

SIR HENRY PEEK said, that speaking with a practical knowledge of the tea trade of over 30 years, and having read the Bill with great care and attention, he had no hesitation in giving it his support. The question of the examination of tea in bond had the entire approval of the trade; and he believed that not one ounce in every ton which came to England was adulterated here. The examination of tea in bond, while still under Government control, was a very easy matter; not more than 5 parcels in 1,000 would require any examination at all; and if those 5 were found to contain anything injurious to health, it would not be difficult to prevent their going into consumption. Referring to the term "adulteration"—and, in passing, he would say that it was an unheard of thing to make penal an offence which, for six months past, the authorities had been endeavouring in vain to define—some of the analysts went as far as to say that all green tea was adulterated with deleterious matter, and a gentleman who was High Sheriff of Anglesea had been fined a large sum for retailing the very finest green tea procurable. The fact was, that analysts

wished to make themselves out exceedingly clever, and, as a means of blowing their own trumpets, made the most of the very least quantities of foreign matters they discovered in the various samples submitted to them. With regard to the term "custom of trade," it was very difficult to say what should or what should not be allowed; but it was a monstrous thing that the Government should be permitted to prepare their cocoa and mustard in a manner that would subject a private dealer to punishment for selling an adulterated article. His own opinion was that where, in the words of the Report, people were cheated, and not poisoned, it was better to leave them to seek their own remedies. When the proper time arrived he should be able, on the part of the trade, to show how the Bill might be considerably improved.

MR. CARPENTER - GARNIER, in supporting the Bill, said, that having sat upon the Select Committee appointed to consider this subject last year, he wished to express his opinion that the Bill would remedy all the grievances of traders, while it gave increased protection to the public. He thought that the exception in Clause 6, relating to the usage of trade, should be omitted, dealers in mixed articles being sufficiently protected by Clause 8, which provided that there should be a written or a printed label on the article to be sold as a mixture, now cocoa and mustard came under this proviso, the first being generally mixed with farina and sugar, and the second with wheat flour coloured with turmeric; and, in his opinion, if such mixtures were no more than were ordinarily required, and if they did not materially add to the weight or bulk, the article should be exempt from penalty. He agreed with the hon. Member for Maldon (Mr. Sandford) that it was a pity they did not get at the wholesale dealer, and that the retail trader should not be allowed to show that the article complained of was in the same state in which he had received it from the wholesale trader, and so throw the liability on the latter; because, although the retail dealer had at present the Common Law right of proceeding against the wholesale trader, the cost of taking proceedings was so great as practically to debar him from the exercise of that right. As to the Act of 1872, it was practically a dead letter in the country districts, be-

cause the Inspectors who were generally superintendents of police, could not be spared from their other duties to take the samples to the analyst for examination, he was therefore glad to see that by the Bill, the sample might be sent by post.

MR. ALDERMAN COTTON observed that in due time he should move a new Proviso to Clause 30, to the effect that before tea was forfeited or destroyed the owner or owners might call in three sworn tea-brokers, and in the event of a majority of them being of the analyst's opinion then the tea should be absolutely destroyed; but in the event of the tea being pronounced by a majority to be marketable, it should be delivered to the owner. The cost of such certificate to be not less than £3 3s., or more than £15 15s.

MR. CLARE READ said, a complaint had been made that people might mix poisonous articles with food under the Bill. Clause 4, however, provided that persons selling food containing anything injurious to health would be dealt with very seriously; for the offender would be liable to a penalty of £50 for the first offence, and for a second offence, he might be imprisoned for a period not exceeding six months, and there were no exceptions whatever to the operation of the clause. Objection had also been made that a poor man would not receive what he asked for; but Clause 6 provided that whatever was asked for should be of "the nature, substance, and quality" he demanded. If it should be proved, as had been stated, that as much as 75 per cent of starch had been mixed with cocoa, no magistrate would hesitate to impose a penalty, for the demand would be for cocoa, and not for starch. He would admit that it had certainly been a recommendation of the Select Committee, that when the retail dealer proved to the satisfaction of a justice that he sold his articles in the same state as he received them from the wholesale dealer, the justice should be allowed to adjourn the inquiry and summon the wholesale dealer to attend; but however simple that appeared to be in theory, it was found very difficult in practice. It had been asked how it came to pass that tea was the only article that had been, so to say, taken under the protection of the Government on being imported. The reason was, that it was the only article

which had been represented as coming into this country in a seriously adulterated state. The hon. Member for Birmingham (Mr. Muntz) said that there was some sort of doctoring of tea in England. That might be, but the conclusion to which the evidence taken by the Committee had brought him was, that there was very little adulteration of it practised in this country. He had only heard of two insignificant cases in which dealers had adulterated or coloured tea. It was very different with wine, which after its import was mixed and fortified by the trade. There had been expressions of opinion that several counties and boroughs should unite in the appointment of an analyst. The Bill made that desirable object easy, and it enabled samples to be sent by post, so there was no reason why ten or a dozen counties should not be under the superintendence of an analyst residing in London. As regarded the smallness of a neighbouring analyst's fee, referred to by the hon. Member for Leicestershire (Mr. Pell), there was a great deal of force in the hon. Member's observations, and he had no doubt his right hon. Friend (Mr. Selater-Booth) would meet that objection. Tobacco, he believed, was very little adulterated, and even if it were it was sharply looked after by the Excise. With regard to the observation that the operations of the Bill were confined to England, all he could say was that the Government intended and were desirous to extend it to Ireland and Scotland, and if, upon consideration with the legal advisers of the Department, it was found that this wish could be carried out, the alterations would be made in Committee. In reference to the suggestion that adulteration should be defined, he would express his opinion that any attempt to define it would completely fail, for instance, he had got about 40 definitions of it, and a more terrible jumble and confusion of the different ideas of adulteration he never saw; and as he believed the principle of the Bill was a good one, he hoped that with some few Amendments in Committee it would pass into law.

MR. LYON PLAYFAIR said, that in the preparation of the Bill the Government had to keep two objects in view—first, the removal of certain hardships of which traders might fairly complain; second, their removal in such a way as would not prove injurious to the

Mr. Carpenter-Garnier

public. The operations of the Acts of 1860, 1867, and 1872 had been very beneficial. Prior to the passing of the last Act, the usage of the trade was to place 25 per cent of water in milk. That usage was condemned, and now milk could be had without any prejudicial amount of adulteration. Again, the usage with regard to bread was to place alum in flour, and to sell bread to the poor of a very inferior quality, made of the adulterated flour: for the object of using alum was to employ flour of deteriorated quality. The Acts had condemned that injurious practice. Their operation also drove what was known in the trade as "Canton capers," or tea which was imported in an adulterated condition, to other markets, and they required that coffee and mustard, which before had each been much mixed, should, when mixed, be labelled, so that the purchaser might at all events know what he was buying. Vinegar, too, which before the passing of the Act was adulterated with sulphuric acid, was now to be had in a pure condition. Thus, the articles of food in greatest consumption had been materially improved, and what he wished the House to consider was, whether the present Bill would relieve traders of what they considered hardships at the expense of the public. In his opinion it would, unless considerable amendments of its provisions were made in Committee. He would point out some of its clauses which induced him to think that much more serious protection of the public was required than the Bill afforded. In the existing Acts it was assumed that the seller of an article knew his business sufficiently well to know whether it was pure or impure. The Preamble of the Act of 1867 required that persons selling articles of food should have a sufficient practical knowledge of their business; and the 24th section enacted that the adulteration was to be assumed, unless the contrary was proved by the seller, who was to be deemed to have had knowledge of such adulteration, and the existence and propriety of that responsibility had been affirmed by several judgments of the Superior Courts. But the Bill said in effect that ignorance instead of knowledge was to be assumed. The question of "knowingly" came in. A person was to be punished who "knowingly" sold an adulterated article, so that he

could save himself by not knowing his business at all. For his part, he feared that this word "knowingly" would neutralize the benefit intended to be secured by the Bill, and then again the Bill recognized the "usage of trade." But it had been a usage of trade to add 25 per cent of water to milk, to mix alum with flour, to "strengthen" vinegar by adulteration, and so on, and all those usages of trade would, he feared, spring up again under the Bill. Another clause deserved attention. By the 25th clause the defendant was relieved, if he sold the article as it was bought by him under a warranty. Of course, in future there would be a warranty on every invoice, and the responsibility of the retailer would practically cease. But the Bill made no attempt to punish the actual adulterator who sold the impure article to the retailer. The Select Committee recommended that, and without a provision to that effect the Act would be useless. The hon. Member for Leicestershire (Mr. Pell) had, he thought, hit a blot in the Bill. It was impossible to get a chemical analysis such as would be required under this Bill for 10s. 6d., and therefore it would be more correct to say that the consumer would have the right to go and get an analysis at the expense of the ratepayers. It would be necessary to have combined areas with efficient public analysts at salaries of from £100 to £200 a-year, and it would be more accurate to say that the cost of the analysis would be 10s. 6d., *plus* the salary drawn from the ratepayers and paid to the analyst. His hon. Friend had stated that it was intended that Scotland and Ireland should be introduced; but the Bill expressly said that nothing in the Act should apply to Scotland or Ireland, "except as hereinafter provided," and he found nothing provided in the Bill on the subject. At present Scotland and Ireland were left out in the cold; but he was sure that a provision would be made in the Bill to remedy any such inconvenience.

MR. SALT said, that one good point in the Bill was, that it repealed two Acts of Parliament and consolidated the law on the subject. That was the proper course to pursue, as Acts of this class went all over the country, and had to be construed by persons who were not familiar with legal phraseology. He

also considered that some of the clauses of the Bill would require very careful consideration before being passed into law, for if the words "usage of trade" should be allowed to stand there would be no protection to any consumer. When a Bill of this kind was introduced, the first question one asked himself was, "How will it benefit the consumer; and especially how will he make use of it?" It was clear that a Bill of this character, to prevent the adulteration of food, was chiefly material to poor persons, who were most affected by adulterated food and drugs. It was more especially so, for this reason—that a rich man, when he was not satisfied with his tradesmen, could change them, or even buy his goods wholesale, whereas the poor man was at the mercy of the tradesmen who lived near him. Therefore Acts like these should be passed chiefly to benefit the poor consumer. How was a poor person, then, to act under the present Bill? How could he obtain a remedy against his tradespeople? The Bill certainly said that he might take the article he had bought to the analyst, and have it analyzed on payment of 10s. 6d. But he would have no knowledge of the analyst, and was he likely to be in a position to pay 10s. 6d. for an analysis of his small purchase of flour, coffee, tea, or sugar? By the 14th clause it was provided that if a person went to a trader with the intention of having the substance that he purchased analyzed, he must give notice of his intention, and divide his purchase into thirds, one of which he was to leave with the dealer and another to retain for himself. Was not such a proceeding beyond the capacity of the poor man, especially as no means were provided for bringing him into direct contact with any of the officers? That was a point, no doubt, to which the right hon. Gentleman had given his attention, and possibly he (Mr. Salt) was mistaken in the view he had taken of the Bill, but he wished to put the matter before the notice of the Government. While the House protected the consumer, it ought, however, to take care that the dealer was not unnecessarily annoyed. Agreeing with what had fallen from his hon. Friend the Member for Leicestershire (Mr. Pell) as to the charge thrown by the Bill on local resources, he doubted whether it might not be desirable that the Government

should endeavour to organize a machinery by which the whole, or nearly the whole, of these articles which had been referred to, and which were to be submitted to experiment, should be sent to some great central laboratory, where the greatest skill and care would be taken in the analyzing. The trading classes had not always entire confidence in the different local analysts, and some curious instances were cited of contradictory opinions being given upon the same identical article. It was necessary, therefore, that the greatest skill should be employed in these analyses, so as to give confidence to the public and the trader. In conclusion, he begged to thank the right hon. Gentleman for having introduced the Bill.

MR. COLMAN said, that as he happened to be acquainted with the manufacture of some articles which had been named during the course of the discussion, he should like to make a few remarks before the debate closed. The articles to which he referred were mustard and cocoa. When the right hon. Gentleman the Member for the University of Edinburgh was speaking of the improvement which the Act had effected in preventing milk being mixed with 25 per cent of water, he wondered what would be said as to mustard, but he was glad to find that the right hon. Gentleman only referred to the difference which had been made in the labels—a difference which the manufacturers had been perfectly willing at once to adopt. Allusion had been made prominently during the discussion to Clause 25, which seemed hardly in accordance with the recommendation of the Select Committee, that responsibility should rest on the wholesale manufacturers rather than on the retail trades. He desired, therefore, to say that the recommendation in question had the fullest sanction of the manufacturers of cocoa and mustard, and he hoped the responsibility would still be left on them, and that they should be bound by the labels which they placed on their goods. He was not at all prepared to complain of the remarks which had been made of the term in the Bill "usage of trade." There was much force in some of the remarks, but he was happy to feel that the private firms manufacturing mustard and cocoa could give very high authority as to their "usage;" for if hon. Members would

Mr. Salt

refer to the Reports from the Navy Victualling Yards, which had been for several years past presented to the House, they would find that the Government manufactured for the use of the Navy mustard and cocoa as mixed articles, which were in principle precisely the same as those supplied by private manufacturers, and such as many retail tradesmen had been fined for selling, and this seemed a manifest injustice. The right hon. Gentleman who introduced the Bill had, he thought, fallen into an error in his statement that under the Act now in force an oral declaration was needful. This point had never been finally decided. Magistrates had given conflicting decisions. The haste with which the Act of 1872 had been passed at the fag end of the Session had left this point in doubt. He hoped, however, that by careful consideration in Committee the Bill might be made clear and distinct—that it would not absolve the manufacturer from any responsibility attaching to his labels; and that an Act might be framed which should be a protection to the consumer, fair to the retail tradesman, and not unjust to the manufacturers.

MR. MUNDELLA said, that the inquiry of the Select Committee led them to the conclusion that very little adulteration of food existed. It was not so much Adulteration Acts as the reform of our fiscal system that had done so much to improve the quality of the articles sold, and he believed that the retail dealers scarcely ever adulterated tea, coffee, or other articles of grocery. At all events, no single case had been proved before the Committee. If, however, they raised the duty on tea again from 6*d.* to 2*s.* a pound they would make it to the interest of traders to adulterate, which at present it was not. The sensational letters which had appeared in the papers were traceable to adulterators who wished to advertise their own speciality. He believed that the Bill, with one or two Amendments, would be sufficient to protect the public, and, at the same time, to deliver the retail dealer from a vexatious system, which was becoming so annoying as to render the old Act practically nugatory. The inspection of tea in bond would do more than anything else to put an end to the vexation and difficulty which had been entailed upon retailers by the Act of 1870;

and with regard to the appointment of analysts, he thought it ought to be compulsory for the whole country, for the temptations to adulterate were perhaps greatest in the small places where it was difficult to make the appointments. He thought the Bill generally was a good one, and would give satisfaction to dealers and consumers alike.

MR. RAMSAY said, there ought to be some means of determining the chemical knowledge and acquirements of analysts. Chemists at present differed in their opinions as to the tests to be employed for detecting the presence of certain substances, and a Judge before whom a trader might be accused would hesitate to convict, if a chemist of high standing were adduced as a witness to prove that the process employed by the public analyst was not the best and should not be regarded as conclusive evidence of the alleged adulteration. It appeared to him that a great difficulty would arise in obtaining the services of skilled analysts at prices which traders in small communities might reasonably be expected to be able to give.

MR. YEAMAN hoped that the right hon. Gentleman who had charge of the Bill would see that it was made applicable to Scotland, because he felt quite sure that, with the Amendments which might be introduced in Committee, a very excellent Bill might be framed. Whenever the laws of the two countries could be assimilated, it was desirable it should be done, and, therefore, he suggested that the Bill should extend to Scotland. In the burgh which he represented, dealers were very anxious with regard to the question of tea in bond. They thought it a great hardship that they should be prosecuted for selling an article which had been adulterated, but which they had sold in the same state in which they had received it—the adulteration having been carried on in China. With regard to analysts, he thought that great care should be taken that the persons appointed to such an important office were competent to fulfil its duties, and that they should be appointed by Government.

MR. SCLATER-BOOTH said, although he had no right to reply, he should like to make one or two observations with regard to the statement of the hon. Member for Stafford

(Mr. Salt), who said the poor man was not considered in the Bill. That was not really so; but under the provisions of the Bill the police and public officer would be in duty bound to take care of such cases. He admitted that the term "knowingly" was used too frequently in the 6th and 9th clause, and he would consider whether it should not, in some instances at least, be struck out. He was not surprised also that many hon. Members had taken exception to the words in Clause 6, which referred to the usages of trade, and he would carefully consider whether the object of the Bill was not sufficiently provided for, as he believed it was, by the subsequent part of the clause. With reference to the complaint of the hon. Member for Leicestershire (Mr. Pell), that in addition to the charge of 10s. 6d. for analysis, a supplementary charge was raised out of the rates, he could not help thinking if any charge on the rates was reasonable this was a charge of that kind. In conclusion, he would say that it was not intended by the Bill to take away from Scotland and Ireland the advantages they had hitherto enjoyed. He thanked hon. Members for the various suggestions which had been made, and he could assure the House they would all be considered by him with every anxiety to make the Bill as perfect as possible.

MR. LYON PLAYFAIR asked when the Bill would be taken into Committee?

MR. SCLATER-BOTH said, that it would be put down for Thursday week.

Motion agreed to.

Bill read a second time, and *committed for Thursday 4th March.*

House adjourned at half after Ten o'clock till Monday next.

HOUSE OF LORDS,

Monday, 22nd February, 1875.

MINUTES.]—*Sat First in Parliament*—The Lord Saint Leonards, after the death of his grandfather.

Mr. Sclater-Booth

RAILWAYS—RAILWAY PASSENGER ACCOMMODATION.—OBSERVATIONS.

LORD REDESDALE rose to call their Lordships' attention to the state of the law in regard to the liability of Railway Companies to provide proper accommodation for different classes of passengers. He believed very few of the travelling public were aware of what they could demand of the Railway Companies, or what the Companies were bound to afford them. Railways were now practically the only means of travelling through the greater part of the country; yet the public were not aware that they were literally at the mercy of the Railway Companies. The terms "first class," "second class," and "third class" were in such general use that people supposed an obligation on the part of the Companies to have carriages of different classes; but it was for the Railway Companies to say whether there were to be any distinctions of class at all on their lines. Again, Railway Companies were not bound to carry any particular species of goods. The occasion of his calling attention to these matters was the movement made by the Midland Company in determining no longer to carry second-class passengers. That Company might go further if it chose, and say it would carry no first-class passengers—there was no law to prevent the Company from carrying such an intention into effect. Unquestionably, when railways were first established, it was the intention of Parliament that three classes of passengers should be carried, and he was convinced that the necessities of the travelling classes required that extent of accommodation. What the intention of Parliament was in the matter was shown by the fact that in the several Acts constituting Railway Companies, maximum fares for each of those classes were set out in plain terms, and until recently the general practice was to have first, second, and third-class carriages on every line of railway. That practice had now been departed from; but if a Railway Company had a right to say that they would not carry second-class passengers, they had also a right to say that they would not carry first-class passengers. The doctrine, in fact, laid down by the Midland Railway Company was this—that they were not bound to

consider what the public were entitled to receive from them, but what was most profitable for their shareholders, and that it was therefore open to them to say that they would only carry third-class passengers. He admitted that, taking the Railway Companies as a whole, they had exercised their passenger-carrying power in a satisfactory manner; but he thought the time had come when it was absolutely necessary that some legislation should take place for the purpose of giving to the public adequate protection against them. There was no definition of the minimum amount of accommodation that was to be afforded to the several classes of passengers, and it was in the power of the Companies to provide no better than cattle trucks, and to say to passengers—"There is your carriage; go into it or not, as you choose." There were many other matters connected with the passenger traffic of railways which also required attention. He had mentioned one; he would mention another, also of great importance. At present there was no legal definition as to the minimum extent of accommodation which should be provided for passengers in any one of the three classes. There were great complaints with regard to the accommodation now supplied to passengers, and he might remark that there were frequent complaints, especially on the part of season-ticket holders, that owing to the want of sufficient accommodation in the class for which they paid, they were obliged to put up with seats in a carriage of an inferior class. He did not ask the Government for any reply on the present occasion, as his object was to throw out points for consideration and for future discussion; but he would suggest that Her Majesty's Government should at once call on the various Railway Companies for a Return of the accommodation in the carriages provided by them for the different classes of passengers, respectively, from 1870 to the present time. He wanted nothing unreasonable. For many years it was the practice to insert in Railway Bills passing through Parliament, a clause to the effect that nothing in the Act should exempt the Company from any general Act regarding railways, and it would not therefore be open to them to object to a general measure of the character which he suggested. The law on the matter was in such an

unsatisfactory state that some legislation should take place in reference to it. His object in calling attention to the subject was not to call on the Government to say what they intended to do in the matter, but to ventilate the subject with a view to future legislation.

LORD CARLINGFORD said, that if it was found on inquiry desirable to extend the powers of the Railway Commissioners, who were discharging their duties in such a manner as to inspire the confidence of the public and the Railway Companies, he should not oppose such a measure; but he confessed he was unable to see on what grounds the noble Lord the Chairman of Committees invoked the aid of Parliament. The noble Lord had spoken of the step recently taken by the Midland Company; but he (Lord Carlingford) did not understand him to question its legality. [Lord REDESDALE assented.] It certainly appeared that the Company itself had taken that step with a full belief in its own legal powers. He found, in an interesting Report made to the Minister of Public Works in France, by a French gentleman (M. de Franqueville) sent over here by the French Government, that the gentleman in question had a conversation with Mr. Allport, the manager of the Midland Company, some time before that Company publicly announced its intention to abolish the use of second-class carriages on its line. When Mr. Allport informed the gentleman that it was intended to take that step, he said—"What, will Parliament allow you to abolish second-class carriages?" Mr. Allport replied—"We are not bound by law to carry passengers at all." The only thing Railway Companies were bound to do in this respect was to allow other parties to run rolling stock on their lines; but they were not bound to run it themselves. Certainly, some argument in favour of an implied obligation to run carriages of various classes might be drawn from those clauses in the various Railway Acts which referred to first, second, and third classes; but, until lately, there was virtually a fourth class of passenger carriage in this country, the Parliamentary train, though it became merged into the third. He did not regard the change made by the Midland Company in the same light as that in which it was viewed by the noble Lord. If that

Company had abolished second-class carriages, they had done so by giving the passengers who had occupied those carriages the advantage of travelling first class in future. The only persons who had any ground of complaint were the old first-class passengers. He could not think that the noble Lord had made out any case for interference by Parliament, and he submitted that time should be given for the practical working of the experiment being tried by the Midland Company.

THE DUKE OF RICHMOND said, that as his noble Friend the Chairman of Committees had put no Question to him, it would have been wiser of him not to have risen, and he should not have done so but for the statement of the noble Lord who had just sat down (Lord Carlingford), that Railway Companies were not by law bound to carry any passengers at all. That was not so, because each Company's Act obliged the particular Company, if they carried passengers at all, to run one Parliamentary train each way daily, and, so far, they were bound to give that amount of accommodation. He would not go into the controversy whether the Midland Railway Company had acted rightly or wrongly in the change they had made, or whether the system to be adopted was to be determined by the interests of the shareholders rather than the public; but he might mention, also, that the plan of having only a first-class and a third had not originated with the Midland Company. The Great North of Scotland Company never had any other classes.

LORD REDESDALE observed that the noble Lord opposite (Lord Carlingford) did not deny that we were at the mercy of the Railway Companies. It was all very well to say that second-class passengers on the Midland line got first-class accommodation. There was nothing to prevent the Company from doing away with the first class too; and too often, especially in regard to ladies, the abolition of the second-class had done away, practically, with much of the comfort before enjoyed by the first-class. There was no provision in the law to prevent them taking that step.

PRIVATE BILLS.

Ordered, That this House will not receive any petition for a Private Bill after *Friday* the

Lord Carlingford

19th day of March next, unless such Private Bill shall have been approved by the Court of Chancery; nor any petition for a Private Bill approved by the Court of Chancery after *Tuesday* the 4th day of May next:

That this House will not receive any report from the Judges upon petitions presented to this House for Private Bills after *Tuesday* the 4th day of May next.

PRIVATE BILLS.

Standing Order Committee on, appointed: The Lords following, with the Chairman of Committees, were named of the Committee:

D. Somerset.	V. Hardinge.
Ld. Chamberlain.	V. Eversley.
M. Winchester.	V. Halifax.
M. Lansdowne.	V. Portman.
M. Bath.	L. Camoys.
M. Ailesbury.	L. Saye and Sele.
E. Devon.	L. Colville of Culross.
E. Airlie.	L. Ponsonby.
E. Carnarvon.	L. Digby.
E. Cadogan.	L. Sheffield.
E. Belmore.	L. Colchester.
E. Chichester.	L. Silchester.
E. Powis.	L. De Tabley.
E. Verulam.	L. Skelmersdale.
E. Morley.	L. Belper.
E. Stradbroke.	L. Ebury.
E. Amherst.	L. Egerton.
E. Sydney.	L. Hartismere.
V. Hawarden.	L. Hylton.
V. Hutchinson.	L. Penrhyn.

OPPOSED PRIVATE BILLS.

The Lords following; viz.,

M. Lansdowne.	L. Ponsonby.
L. Colville of Culross.	L. Skelmersdale.

were appointed, with the Chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill.

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD.

Select Committee on, appointed: The Lords following were named of the Committee:

Ld. Chancellor.	E. Carnarvon.
Ld. President.	E. Granville.
Ld. Privy Seal.	E. Kimberley.
D. Saint Albans.	E. Sydney.
Ld. Chamberlain.	V. Hawarden.
M. Lansdowne.	V. Eversley.
M. Salisbury.	L. Colville of Culross.
M. Bath.	L. Ponsonby.
Ld. Steward.	L. Redesdale.
E. Devon.	L. Colchester.
E. Doncaster.	L. Skelmersdale.
E. Tankerville.	L. Aveland.
E. Stanhope.	

PRIVATE BILLS.

All petitions relating to Standing Orders which shall be presented during the present Session referred to the Standing Order Committee, unless otherwise ordered.

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 22nd February, 1875.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered—East India Home Government [Pensions]*.*

Ordered—First Reading—Building Societies Act (1874) Amendment [72].*

First Reading—Intoxicating Liquors (Ireland) [71].*

Second Reading—Regimental Exchanges [3]; Superannuation Act (1859) Amendment* [64]; Registry of Deeds Office (Ireland)* [70].*

Considered as amended—Common Law Procedure Act (1852) Amendment [33].*

CONTROVERTED ELECTIONS—ST. IVES
ELECTION.

MR. SPEAKER informed the House, that he had received from one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the St. Ives Election; and the same was read.

POST OFFICE—RECEIVING HOUSES—
PUBLIC-HOUSES—GROCERS, &c.
QUESTION.

MR. WALTER JAMES asked the Postmaster General, Whether there is a regulation precluding public-houses and beer-shops from being used as district post offices and receiving houses; and, if so, whether the same arrangement ought not to be extended to grocers and others having licences for the sale of intoxicating liquors?

LORD JOHN MANNERS, in reply, said, there was such a regulation in existence as that mentioned by the hon. Gentleman, but he saw no necessity for its extension to such persons as those referred to in the latter part of the Question.

CUSTOMS DUTIES (IRELAND)—BANK
NOTES.—QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer, If it is a fact that the Collectors of Her Majesty's Customs at Limerick and other Custom Houses in Ireland refuse to take payment of Customs Duty unless such payments were made in gold or Bank of Ireland notes; and, if so, if he will explain to the House the reasons why the Custom House Officers are ordered to refuse the notes of the National Bank, the Provincial Bank, and the Northern Banks of issue?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that no order whatever had been given to the collectors of Customs to refuse any bank-notes. The question whether they would take any other than legal tender, which included Bank of England and Ireland notes as well as gold, was one entirely for themselves to decide, as they were responsible for paying over the money which they received.

POST OFFICE—
MAILS TO MONTSERRAT.—QUESTION.

MR. DIXON asked the Postmaster General, Whether, referring to the Correspondence recently laid before Parliament concerning the present inconvenient and defective Postal service to the Island of Montserrat, and in view of the fact that as a consequence the mails due from that island by the steamship "Nile," which arrived on the 14th instant, have not arrived, there be anything in the working of the new Contract with the Royal Mail Company which need prevent the Mails being exchanged at Montserrat, as was formerly done by the ships of that Company?

LORD JOHN MANNERS, in reply, said, the company were not bound by the terms of their contract to call at Montserrat; but having been asked on more than one occasion if they were willing to do so, they answered that they were ready, provided it was found not to interfere with their other arrangements, to take the practicability of giving the increased postal facilities indicated by the Question, into their favourable consideration.

POST OFFICE—SORTERS AND SAVINGS
BANK CLERKS.—QUESTIONS.

MR. GOLDSMID asked the Postmaster General, If he would explain to the House on what grounds he inflicted the severe punishments of dismissal and stoppage of promotion on the sorters of the Post Office for memorializing for an increase of pay, and on the clerks in the Savings Bank for alleged communications with the public press?

LORD JOHN MANNERS: In answering the Question of the hon. Gentleman, Sir, it will be necessary for me to separate the case of the sorters from that of the clerks in the Savings Bank. Of the sorters, five were dismissed, and

several young men who had very recently been promoted were reduced to their former position on the understanding that if they behaved well they would after a short period be restored. The five men were dismissed not for memorializing for an increase of pay, but because they had allied themselves to professional agitators outside the Department, by whose assistance they were promoting agitation within. I may remind the House that the case of the minor establishment in London, including the sorters, was considered in July, and their pay and prospects were then improved. In the case of the clerks of the Savings Bank, none were dismissed, but promotion was stopped because statements had appeared in the public Press not only reprehensible in themselves, as imputing corrupt motives to the Controller of the department, but obviously proceeding upon information which could not have been derived except from official sources. A similar offence had been committed earlier in the same year, when the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) was at the head of the Post Office, and had been treated in a similar way. Among those statements, I may observe, were some challenging the propriety of the very promotions which I have felt it my duty to suspend. A Committee, consisting of gentlemen not belonging to the Savings Bank, has been appointed to inquire into this and other matters connected with that department, and I am now awaiting their Report, which, I have reason to believe, will be presented to me in a few days.

MR. GOLDSMID inquired if the stoppage of promotion still continued?

LORD JOHN MANNERS replied that it was necessarily so until he received the Report of the Committee.

THE ARCTIC EXPEDITION—SUB-LIEUTENANT FRANKLIN.

QUESTION.

MR. WAIT asked the First Lord of the Admiralty, Whether it is true that Lady Franklin had requested that the last representative and nephew of the late Sir John Franklin might be appointed to one of the sub-lieutenancies in connection with the Arctic expedition; and, whether such request has been refused?

Lord John Manners

MR. HUNT: Sub-Lieutenant Franklin was one out of 44 officers of that rank who applied for employment in the Arctic expedition, and Lady Franklin wrote to urge that he might be selected. It was decided that only two sub-lieutenants should be appointed—one for each ship. Great pains were taken to select the fittest of those who had offered themselves, and for a service of so peculiar a character it was impossible to let sentiment prevail over other considerations. Had the number of sub-lieutenants to be employed been larger, young Mr. Franklin would have been chosen. I can assure my hon. Friend I feel much sympathy with Lady Franklin in the disappointment she feels with regard to this matter.

SANITARY ACTS—IMPURE WATER (METROPOLIS).—QUESTION.

MR. P. A. TAYLOR asked the President of the Local Government Board, Whether his attention has been called to the following statement made by Dr. Sandwith in "The Times" of the 11th instant:—

"At a large West-end Club the drinking water supplied by a certain Water Company left such abundant deposits of mud in the cisterns that it was necessary frequently to clean them. I saw large cakes of this dried mud, which had a peculiarly offensive appearance; a portion of it was sent to an eminent analyst, and he found it to consist of various unwholesome debris and of a considerable quantity of human excrement."

and, whether he is in a position to make any statement calculated to diminish the alarm which such an allegation must excite?

MR. SCLATER-BOOTH: The letter, Sir, which appeared in *The Times* on the 11th of February did attract my attention, and I have been since that date in frequent communication with the Metropolitan Water Examiner on the subject. He has been investigating the structural arrangements of the club in question—"Name!"—it is a Pall Mall Club—and I hope in a day or two to receive his Report. With regard to the second part of the Question, considering how the matter is neglected, I am unable to make any statement which will be reassuring to the public as to what the condition of the tanks, cisterns, and pipes within their own control may be; but I may state that the water supplied by the company referred to has been

during the past month in a wholesome state, as appears by the analysis recently published. The water of the company is peculiarly liable to pollution in time of flood, and great complaints were made of it in the early part of December. I then caused an official inquiry and analysis to be made, under the statutory powers of the Local Government Board, and the company have in consequence introduced a Bill which will enable them greatly to improve their intake, and to provide large additional subsidizing tanks. This they would have been glad to do two years ago, but the Bill then introduced for the purpose was thrown out on the second reading.

POLICE AND LUNACY GRANTS (SCOTLAND).—QUESTION.

MR. RAMSAY asked Mr. Chancellor of the Exchequer, Whether he is prepared to state now the date from which the Grants for Police and Lunacy in Scotland will become payable; and, whether the distribution of the sum to be voted in aid of the maintenance of pauper lunatics in Scotland would be applicable to all such patients who are subject to and under the General Board of Lunacy?

THE CHANCELLOR OF THE EXCHEQUER: The Scotch Police Grant will be paid from the 16th of March, 1874. The provision in next year's Estimate will be for one year only—namely, that ended on the 15th of March, 1875. The Government contribution will be paid annually, because the police accounts are made up for the year, and not for the half-year, as in England. The contribution for the year to the 15th of March, 1876, will not become due until after the 31st of March, 1876, because the annual accounts will not have been audited before that date. Therefore only one year's contribution is provided for in next year's Estimate. With regard to pauper lunatics in Scotland, the date at which the Government contribution will begin will be the 14th of May, 1874. Nothing will be contributed in respect of the broken period from the 1st of April to the 14th of May, 1874, because the rate had been struck for that period long before the Government grant was announced. It is intended to make the Lunacy Grant applicable to all patients who are subject to and under

the inspection of the General Board of Lunacy, with two qualifications—(1), that the lunatic shall have been sent to an asylum or lunatic ward of a workhouse, &c., under order of the Lunacy Board, and (2) that the lunatic is charged upon the parochial rates.

MERCHANT SHIPPING ACTS—EMIGRANT VESSELS.—QUESTION.

MR. HAYTER asked the President of the Board of Trade, Whether, in view of the great loss of life attendant upon the burning of the "Cospatrick," he will undertake to insist upon a system of fire-drill, similar to that practised on board Her Majesty's men-of-war, being adopted on board of all emigrant ships; that the crew be practised in lowering the boats, and that a proper supply of provisions, with oars and rudders, be kept at all times in each of the boats?

SIR CHARLES ADDERLEY: Among the suggestions, Sir, issued by the Board of Trade to the captains of emigrant ships, there is one that a crew of picked men should be assigned to each boat, under the charge of an officer, a steady person, who is responsible for every thing being kept at hand and ready for use, and that the men should be exercised in lowering the boats at sea when opportunities occur. It is also suggested that the fire engines which by law must be carried should be likewise under special charge, and worked once or twice a-week, so as to be kept in proper order. Every equipment—oars, rudder, sails, hatchets, &c.—must be in every boat before it is passed by the Board of Trade surveyor. As to provisioning boats, which the best lines do, a further suggestion is now being made by the Board of Trade. With regard to the suggestions as to drill, no law enables the Board of Trade to enforce them; nor, if there were a law, would it probably be possible practically to enforce it.

REPORT OF LABOUR LAWS COMMISSION.—QUESTION.

SIR CHARLES LEGARD asked the Secretary of State for the Home Department, If his attention has been called to the fact that the Report of the Labour Laws Commission appeared in the "Scotsman" newspaper of Thursday the 18th of February, when such Report had not been presented to this House;

and, whether he can give any explanation of the circumstance?

Mr. ASSHETON CROSS; I believe, Sir, it is true that a Report, purporting to be the Report of the Labour Laws Commissioners, did appear in *The Scotsman* newspaper on the morning of Thursday last. The Report of the Labour Laws Commission, however, was only delivered at the Home Office on Wednesday. It varies in certain material points from that which appeared in *The Scotsman*, and therefore the document cannot by any possibility have been got from the Home Office. The hon. Gentleman asks me, in the latter part of his Question, if I can explain the circumstances under which it was obtained. I only wish I could. I have communicated with the secretary of the Labour Laws Commission, and he tells me he is quite unable to give me any information about it.

MERCHANT SHIPPING BILL—
BOYS FOR THE MERCHANT SERVICE.
QUESTION.

Mr. SHAW LEFEVRE asked the President of the Board of Trade, Whether he will give to the House the outline of the scheme referred to by him in moving for leave to introduce the Merchant Shipping Bill, and by which he proposes to give assistance to the training of boys for the Merchant Service?

Sir CHARLES ADDERLEY: The outline of the scheme referred to, to give assistance for the training of boys for the Merchant Service is to offer grants of £80, or £15 per annum for two years' training, out of the Mercantile Marine Fund—a large portion of which comes from fees taken at Mercantile Marine offices—to the managers of training ship schools for boys not less than 16 years old, who have not been committed by magistrates, and who have been apprenticed to the master of the school, and trained at least two years. Part of that time they must have worked in a sailing tender, or coasting vessel. They must also satisfy the Board of Trade as to conduct, physical fitness, and knowledge of a seaman's duties. The grant will be given on the apprenticeship being transferred to the master of a merchant ship. The Admiralty make a further proposal for such boys, relating to the Naval Reserve, which the First Lord will explain

in moving the Navy Estimates. The two together, added to the voluntary contributions, will probably effect the object in view—that of supplying a large number of well-trained seamen to the merchant service.

REGIMENTAL EXCHANGES BILL.

(Mr. Secretary Hardy, Mr. Stanley.)

[BILL 3.] SECOND READING.

Order for Second Reading read.

Mr. GATHORNE HARDY, in moving that the Bill be now read a second time, said: Mr. Speaker, the Bill which I have now to present to the House is the same measure I laid before it at the close of last Session, and really, when I first brought it before their notice, I was quite unaware of the amount of opposition it was likely to receive, and I must confess I cannot at the present moment understand upon what grounds the formidable opposition now offered to it is based. In deference to the opinions expressed I have put off the second reading till now, and I hope hon. Gentlemen opposite are satisfied with the time that has been allowed them. I propose to say nothing which does not strictly refer to the Bill, but for the better understanding of our proposals, it will be necessary that I should give a short history of the law which has been in force with respect to Regimental Exchanges up to the present time. Before the abolition of what was known as the Purchase System in the Army, payments for regimental exchanges were illegal, unless fixed by regulation. Under the statute of Edward VI. any purchase of office was illegal, but that Act was not held to apply to military commissions. By the Act 49 Geo. III. c. 126, s. 6, military commissions were included, as, indeed, were all offices throughout the country. There was a provision, however, upon which "purchase" was founded, and which was to the effect that any officer taking a larger sum, directly or indirectly, for his commission than that allowed by the Army regulation, on conviction by court-martial, forfeited his commission, and was ordered to be cashiered. The rule in practice, however, was frequently broken. But with respect to exchanges no regulation was laid down, and they went on precisely in the same way as they had done before the Act 49 Geo. III. c. 126, was passed—

Sir Charles Legard

that is to say, they were treated as military questions to be settled by the military authorities, and, provided the efficiency of the service did not suffer, exchanges were allowed. Being simply matters of personal convenience, and it being found that they did no harm to the service, any monetary transactions which passed with respect to these exchanges were officially unknown at the Horse Guards, as they were afterwards unknown at the War Office, until the present law came into force. Now, I may observe that exchanges stand on a totally different footing from purchase. In the case of purchase, a new office or commission is obtained; but in exchanges, the person who does the transaction only gets an office similar to that which he already holds, and, indeed, he rather loses by it, for the rule is that the exchanger goes to the lowest position among officers of his rank in the regiment to which he transfers himself. The officer who exchanges, therefore, cannot be said to purchase either emolument or commission. Now, Sir, it has been asked by many—"Why has the Bill been introduced? Why have you not proceeded by Warrant?" I admit I might have proceeded by Warrant, but I am of opinion such a method is objectionable in itself, and that Parliament ought to have the opportunity of deciding upon the alteration in the law which I am about to propose. There is another reason for not proceeding by Warrant. Had I done so, it would have been necessary for me, under the Act 49 *Geo. III.*, c. 126, to lay down regulation prices, and I hope to show the House how very undesirable it is that regulation prices should be laid down for exchanges. To that I am decidedly opposed, for it was upon that principle, as applied to commissions, that the system of over-regulation prices was built which the country is now having to pay for. Sir, the hon. Member for Bath (Mr. Hayter) was wrong when he said, on the introduction of the Bill, that it introduced for the first time the system of exchanges; as a matter of fact, they have never ceased to exist. Exchanges have continued in the Army from the very beginning, and more especially so since the British Army has been sent to so many different parts of the world; because it is necessary for an officer who wishes to serve his country

that he shall be able to exchange from one climate to another more suitable to his health. It is generally supposed that officers exchange merely to get rid of disagreeable quarters, but there are many other grounds on which exchanges are effected. I heard the other day of an officer afflicted with asthma, who was ordered to Canada. He was told that it was a most dangerous climate for him, and he effected an exchange, not into a regiment in England, but into a regiment in India, which was an advantageous climate for him. These exchanges, therefore, do not always take place merely for luxury. A great many of them take place on other grounds which are important for the service and the interests of the public. It will be observed that this is a Bill which will only affect regimental exchanges. I do not propose to introduce exchanges from half-pay into regiments, for I conceive that if I did this I should be infringing upon purchase, by enabling a man who had practically no commission to purchase one. In former days, when officers were at the head of their regiments, there was sometimes an advantage in their having the facility of exchanging, as a means of bringing pressure to bear upon officers below them in rank. For instance, a lieutenant-colonel wishing to realize a large sum by the sale of his commission, and finding his regiment, unwilling to pay the amount, might say to his brother officers that unless they accepted his terms he would exchange into another regiment, and then, perhaps, a colonel would take his place who would not leave the regiment, and so promotion would be impeded. In this way the system of exchanging might in past times have been used as a means of bringing pressure to bear in order to secure a certain price for a commission. That power, however, has entirely gone. Under present circumstances, the value of each class of commission was fixed in November, 1871, and whatever may have happened since that date, no officer can obtain for his commission a larger sum than was so fixed. In all cases of exchanges made under the system formerly existing, very careful inquiry was made into all the circumstances in order to prevent officers of short standing being brought into regiments and passed over the heads of subalterns of long service, who were themselves consulted in

reference to the matter. It is to be remarked, however, that the payments for exchanges made under this system were absolutely illegal, which I think a most pernicious thing. If the system is to be restored, it should be restored on legal grounds, and there should be no connivance by the authorities—even though it might be in the interest of the service—at anything which is contrary to the law. Notwithstanding, as I have said, the illegality of these payments for exchanges, I would ask whether, during the long series of years in which they were effected, there was any complaint of injury arising from them, either on the part of the officers themselves, or of the public. I admit that there may have been cases in which an officer who had exchanged became unpopular in the regiment to which he went; but I am not at all sure that he would not have become unpopular in his own regiment, if he had remained in it. There have, I am sorry to say, been many instances in former days, and possibly there are even some now, where an officer is unpopular, even though he never exchanged at all. Let me say, then, that I have introduced this Bill because I believed its provisions would be beneficial to the service. I do not want either to encourage or to discourage exchanges; but I want them to be treated on purely military grounds; I desire that they should, as between the persons exchanging, be entirely free, and decided on their merits, and in the interest of the public, leaving any monetary questions to be settled by the individuals exchanging, and of which the War Department could take no notice. On that point I would say that if the Department once recognized the monetary payments, it would be impossible to avoid the conclusion that it became responsible for them. At this moment Parliament is forcing upon the War Office a responsibility it does not wish—namely, that of fixing the amounts on which exchanges should be made. When you sanction money payments yourselves, you become involved in obligations you ought not to bear, and you hold a certain amount of responsibility towards those who have made exchanges in consideration of money which you yourselves may, perhaps, be thought liable to pay. Now, I suppose that I shall be told I am say-

ing a very foolish thing in declaring that exchanges are in favour of poor officers; but I am decidedly of opinion, that the system is far more in favour of poor officers than of rich ones. No doubt, gentlemen who are able—on account of private interest, illness, or family or other circumstances—may exchange in order to remain at home; but officers may be desirous of changing for many other reasons. There are also other reasons which seem to me to be strongly in favour of sanctioning these regimental exchanges. A man may have been posted to a regiment he does not like; he may wish to serve in a regiment in which his father served before him; he may have friends among the officers in one regiment and not in another, or he may be possessed with a very laudable desire to join a regiment in which his nationality is represented—a desire on his part which may fairly be encouraged. A Scotchman appointed to an English regiment may desire to exchange into a Scotch regiment, and a Welshman may wish to go into that distinguished regiment the 23rd Welsh Fusiliers. All these things ought to be carefully weighed and considered when the Bill is dealt with, and I want to know why we should put an unnecessary check upon these exchanges, when by abstaining from so doing we do no harm to the public interest, and at the same time do advantage to the service by securing, among other things, a feeling of contentment among the officers. Is it not highly desirable that we should have contented officers?—and it should be borne in mind that these exchanges have often been the turning point in a man's career. I will, with the permission of the House, read a passage from a letter I have received from a general officer of most distinguished character. I may not mention the name of the officer, but I may say that he is wholly unknown to me, that he is a K.C.B., the recipient of a good-service pension, and, moreover, a General of very great distinction. This officer said that, entering the Army with a light heart and a light purse, he wished to get early service. He, therefore, exchanged with a comrade in the same branch of the service—the Artillery—and went to Gibraltar, receiving in consideration of the exchange a sum not much larger than

Mr. Gathorne Hardy

sufficed to pay his passage out. The letter of the gallant General then proceeded as follows—

"After a time, I returned from Gibraltar and was quartered in Ireland, but finding my pay of 6s. 10d. a-day and a continuance of home service likely to involve me in difficulties, of which I was somewhat forcibly reminded by a heavier bill from my tailor than I could at the time manage to pay, I looked about for an exchange. A few days after, the post brought me a letter from a brother officer, offering me £150 if I would go to the West Indies in his place. I dropped the letter in my joy, vaulted over the table in my barrack-room, knocking over the inkstand in doing so, and for some 20 minutes or more I was perfectly beside myself. With the remains of my ink I accepted the offer at once. Our applications were sent in and allowed by the authorities. There was perfect happiness all round, and even my tailor went on his way rejoicing. Under existing regulations this exchange, if permitted at all, would have been inquisitorially looked into and most probably considerably cut down. My richer brother-officer would have been better off, and I should have been so much the worse. My tailor would probably have had only a moiety of his bill. As to the public or the service, I do not see how either would have been in the least affected. If I had not been allowed to exchange as I did, it is possible the tailor, or some other embarrassment, might have cut short my career."

Upon what possible principle is it that with regard to exchanges such as this, you should inflict a great amount of hardship without at the same time doing anything to promote the public interest. As the gallant officer from whom I have quoted showed, the exchange he was enabled to effect was the turning point in his career, and I am sure the House must sympathize with young and ambitious men who, circumstanced as he was, are unable, from want of means or other reasons, to push their way in the profession they have adopted, but who would be materially assisted in their upward path, if permitted to make exchanges such as are contemplated in the Bill I am now asking the House to pass. Surely, we do not pay them so highly, when they are living in so expensive a country as this, as to make us desirous of preventing them getting some small bonus when they wish to exchange into a regiment quartered it may be in another part of the world. I feel quite certain that the hon. Gentleman opposite (Mr. Campbell-Bannerman) would admit, that if this could be done under such conditions as would check anything improper, the mere passage of money between the officers is no injury to the public. I

cannot help regretting that this question was so lightly touched upon when we were abolishing Purchase. It was swallowed up by the enormous question of Purchase, and anyone who looks at the debates will see how small a space was occupied by the subject of exchanges. In fact, it was not dealt with by the Bill at all. It was dealt with by Regulations and Warrants made by the Secretary of State. Let me say at once, that if I thought that by this Bill I was bringing back the Purchase system, or that I was even moving towards it, I should think I was acting a dishonest part in pressing forward this Bill. I feel as confident as I do of my own existence, that by proper regulations it would be easy to provide that any evils that might arise should be put an end to, and I am quite certain that in former days, when this system existed, none of the evils which some hon. Members seem to anticipate were experienced. With respect to the language which has been applied to this Bill—"retrograde," "re-actionary," and so on—I will say that if you have to change anything which has been done, you must take a step backwards. [Mr. CAMPBELL-BANNERMAN: Forwards.] The hon. Member says "forward." Well, I am going forward; but I am first going back, to put an end to something which I think ought not to exist. This matter was not taken up by me. It was forced upon me by the Commission which was called into existence by my Predecessors, and which I do not hesitate to say was a *quasi-judicial* body. It contained Lord Justice James, Lord Penzance, and my right hon. Friend the First Lord of the Admiralty. I believe that both Lord Justice James and Lord Penzance were against Purchase; and it was, therefore, not in the sense of Purchase that they gave their opinion in favour of exchanges. I think it is only right in my own justification that we should look at their Report. This question of exchanges was brought before the Commission by witnesses, and argued by Sir Percy Herbert; but they stopped him because they were so convinced that they did not think it was necessary to hear anything more. They had before them the letter of Mr. Vivian, who in this matter represented the views of Lord Cardwell, and they came to an unhesitating and decided conclusion. They swept the question of exchanges out of

the way before dealing with the other grievances, and felt that that was a matter on which the officers had just ground of complaint. They say in their Report—

"It has been repeatedly and forcibly urged upon us that the prohibition of paying and receiving money for exchanges between officers on full pay is a serious hardship to some and a serious loss to others. It does appear to us that the complaint is a legitimate one. The new rule has obviously proceeded from an apprehension that to allow any pecuniary bargaining between officers in respect of their commissions might be as a letting out of the waters, bringing back bonuses, over regulation prices, and the other incidents of the abolished system. We are not satisfied that there is any real danger of this, and we are satisfied on the evidence before us that a return to the old practice as to exchanges would be very acceptable to the Army. There are many good officers of slender means who would be willing to serve in India or elsewhere for a consideration, and there are many good officers more blessed with the world's goods who for family or other reasons, or under medical advice, would be willing to give such a consideration. The exchange is an unmixed benefit to both, and would probably be a benefit, and certainly would not be detrimental, to the Service. It ought only to be effected with the sanction and under the control of the authorities, and on such conditions as to insure that nobody else is superseded or affected. These are the substantial grounds of this complaint, which appear to us to be well founded, and we do not hesitate to recommend that the above-named prohibition should be removed."

Now, I think the House will see that, having so decisive a Report of the Commissioners put before me last summer, I was bound at once to take it into consideration. I agreed with them in the reasons they gave; but I think there are reasons stronger than they gave why exchanges should be permitted. I believe that the present system is in itself most pernicious, objectionable, and most contrary to the interests of the Army. What has the War Office at present to do? The Military Secretary is called upon to ascertain what sum ought to be given or not given in a case of exchange. Suppose two officers send in their applications to the Military Secretary—I am speaking now of applications by officers of different regiments to make exchanges—they have to send in with their application a statement of the sum which they propose should be paid by one of the two exchangers. Their application is accompanied by the following declaration:—

"I hereby declare on honour, as an officer and a gentleman, that the proposed exchange does not originate in any cause affecting my honour,

or my character, or professional efficiency, and that I propose to pay (or receive, as the case may be) the sum of £—, in consideration of the fair and reasonable expenses to be incurred through such exchange by — (or me), as shown in the paper hereto annexed, and that that sum covers everything."

Well, now, the House will observe that this is setting up a regulation price, and that this brings the War Office to fix a regulation price. Now, what happens is, I think, very objectionable, and that is that this is not tested by military considerations, but by personal considerations. The Military Secretary has to consider several things. First of all, he has to consider the regiment to which it has been proposed an officer shall go. As to the expenses, one pays the whole expenses of both. The poorer man sends in an account of expenses of which the following may be regarded as examples:—Mess and band subscriptions, change of ordinary uniform, passage of officer, ditto of officer's wife and children (if any), expenses and passage of female servants, outfit for wife and children (if any), hotel expenses for officer's family and servants, baggage expenses. In some instances the expenses rise to a higher amount than used to be paid. Of course in many cases, particularly in those of officers without wives and without female servants, the expense is cut down very much. I say that an exchange should be so conducted, so far as the authorities are concerned, on purely military principles, that whatever takes place in regard to the matter the military authorities should be able to call upon and to deal with these men just as if they had not exchanged at all. If you allow them to pay money, and recognize the payment, you are setting up a system which in itself you have put down in other cases. It is a very remarkable thing that, during the whole of the arguments that were adduced upon the purchase of commissions, no statement was made about the money which a man paid for exchanges. No one has asked to be repaid for the money he has paid for exchanges. [Mr. CAMPBELL-BANNERMAN said, it had been put forward.] The officers before the Commission complained that they had not the same freedom of exchange and advantage from it as before, and claimed restoration of the old system. It was not so much those who had paid, but those who had re-

Mr. Gathorne Hardy

ceived payment, who felt the grievance of the alteration. As I understand it, this was the very thing which was put forward, and with which the Commission dealt by proposing to restore the former system, under which the great majority of the officers now in the Army entered the service. I quite understand the position which was taken by the hon. Member for Glasgow last year, who objected to exchanges altogether, that any money payment should pass on such occasions. [Mr. ANDERSON: No; I objected to a money traffic for gain.] It seems to me when a man is able to take out his wife, children, and servants at the expense of another person, that that is a payment which it is not necessary to make for his convenience, but is giving him all the luxuries of his position. What I propose is not a change in kind, but simply in degree—that you should relieve the Military Secretary from an obnoxious duty and separate him from every money transaction, you yourselves acting upon purely military grounds. The hon. Member for Bath said the other night—“How about selection?” Well, suppose a colonel has been selected for a particular regiment; he was selected by the Commander-in-Chief, and if he wished to exchange, he got that exchange by means of the Commander-in-Chief, and the authority which gave him the selection had power to control the exchange. The hon. Member also talked as if exchanges would be permitted between men who had served four years and others who had served one, and so a man would be able by exchanging to get three years' service; but that sort of thing will not be sanctioned for one moment by the authorities. A man is to exchange into the same condition of circumstances, not into totally different ones. Is that a thing which is forbidden elsewhere? No doubt, in some countries, where the service is principally at home, these questions do not so much arise, but what is the case in France? In France every military newspaper is full of advertisements for exchanges, and there is no objection on the part of the Government. On the contrary, I am assured that the military authorities in France give every encouragement to exchanges, on the principle that when men are satisfied with their position they will perform their duties with greater zeal and efficiency than they would do if they

were not satisfied. The only things the French military authorities require in the case of a proposed exchange, are, first, the consent of the commanding officer, and secondly, that no expense shall fall upon the State. Well, I propose that no expense shall fall on the State. There has been no expense to the State hitherto, and nobody has proposed that there ever should be. It is said that a poor man may find himself in positions where he could not exchange. That is very true, and I do not propose to find in my Bill a panacea for poverty; but I will venture to say that rich and poor officers in the Army are alike anxious that this, which was open to them in former days, shall be restored, and restored on legal grounds, not leaving it to be connived at. There was something thrown out last year by the hon. Member for Stirling with respect to exchanges within regiments into different battalions. He knows as well as I do that those exchanges were not effected without money payments in former times. A letter was published the other day from a Gentleman who sat in this House during the late Parliament—Major Arbuthnot—who pointed out what advantage he had derived from an exchange with a brother officer to go to Rangoon. This is a position in which the military authorities would be upon their trial. The responsibility must always rest upon them; the means to be adopted for checking abuses in such cases must be left for their consideration, and they must be justified in each of these exchanges. Besides the authority of the Commissioners, I might refer to the evidence of officers who were examined before them, but I will not do so, because there were hardly any officers who were not in favour of exchanges. I will take, instead, the evidence of a gentleman who is no friend to Purchase, and who is himself one of the Purchase Commissioners, as they are called. What did Mr. O'Dowd say? He was asked this question—

“Supposing that the power of exchange was restored, do you think that it would be liable to be abused under the present non-purchase system?—So far as the public are concerned, no; and so far as individuals are concerned I would say no, with sharpness on the part of the authorities. You mean with ordinary vigilance on the part of the authorities?—Yes.”

Such was the opinion of Mr. O'Dowd,

who, though an enemy to Purchase, drew a distinction between Purchase and Exchanges. Declarations have to be made at present, and it has been said that declarations are not always relied upon; but I agree with those who hold that if an officer does make a declaration, it ought to be strictly enforced by severe penalties, for I can conceive nothing worse than that declarations should, so to speak, fall into abeyance, and that officers should regard as mere formalities statements made upon their honour as gentlemen. In dealing with a question which has been solved by my predecessors in a way which, I think, has worked unsatisfactorily—which has been solved, not by the abolition, but by the regulation, of payment—I am surprised to find myself met, not by one Motion for the rejection of the Bill, but by three. The hon. Member for the Border Burghs (Mr. Trevelyan), the hon. Member for Bath (Mr. Hayter), and the hon. Member for Glasgow (Mr. Anderson) are all about to move that my Bill be read a second time this day six months. Recently we have heard a good deal about the union of parties, and I suppose this is an emblematic union of the old Whigs, the advanced Radicals, and even of the further-advanced Radicals who sit behind them. England, the Border Burghs, and Scotland have united, but I am glad to say Ireland is no party to this union against the Bill. To adopt Mrs. Malaprop's personification of their opposition, which is of three gentlemen at once—

"Cerberus hæc ingens latratu regna trifauci Personat."

In the course of this debate there will doubtless be loud expressions of wrath and indignation from these three opponents, and I have no honeyed words or soporific draughts to lull the suspicions of hon. Gentlemen opposite; but coming forward not in my own name only, I hold before me as a shield the Report of the Commission which was appointed on the Motion of my Predecessor. Upon the Report of the Commissioners I rely. I think their reasons are good, and that their proposal may fairly be carried out. I think it can be carried out to the content, and therefore to the advantage, of the Army; and I am sure it can be carried out without the slightest damage to the country. In

Mr. Gathorne Hardy

conclusion, the right hon. Gentleman moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Hardy.*)

MR. G. O. TREVELYAN, in rising to move that the Bill be read a second time this day six months, said: Mr. Speaker, we are asked to read for the second time a Bill which is very short, and which the Secretary at War, when he introduced it last year, speaking as he always speaks with perfect candour, described as relating to a very simple matter. It may be within the recollection of some part of the House that, on the introduction of this measure, I ventured to characterize it as complicated in its nature, retrograde in its bearings upon our recent legislation, and disastrous in its effects upon the tone and spirit, not only of our Army, but of the entire circle of our public services. Those words were not lightly spoken. There was not one of them which may not be made good by an appeal to the authority of men whose opinion is regarded as decisive by our Army, by the House of Commons, by the country at large, and by the right hon. Gentleman himself; and if such can be shown to be the case, it will be under a strong conviction of duty, and with some hope of success, that I shall appeal to hon. Members to reject the Bill. Now I will endeavour to state the arguments in favour of the Bill fairly, and answer them fully, and perhaps there is no better way of stating them than in the very words of the Commissioners who last year inquired into the grievances which officers alleged to have resulted from the abolition of Purchase; and in reading these words, I cannot but think that there is something about them which will have an unpleasant ring in the ears of hon. Gentlemen.

"There are many good officers of slender means who would be willing to serve in India or elsewhere for a consideration, and there are many good officers more blessed with the world's goods who for family or other reasons, or under medical advice, would be willing to give such a consideration."

Now, it is on these sentences that the Bill before us is based; it is on the recommendation of the Commissioners that the right hon. Gentleman has brought in his measure; but in so doing, the right hon. Gentleman has attributed to the

Commission an authority which it does not possess, and which the distinguished gentlemen who composed it would be the last to claim for it. That Commission was appointed to inquire into the pecuniary matters of officers, and into their pecuniary matters alone. It had no mission to go further and touch upon the result which the reversal of the policy or any part of the policy of Lord Cardwell would produce upon the discipline and the spirit of our Army. But that is not the situation of the right hon. gentleman. He is responsible to Parliament for all that concerns that discipline and that spirit. He is bound to show that the measures which he introduces will be of advantage to the military future of the nation. He cannot shake off that responsibility by referring to a Commission which was concerned with nothing but questions of pounds, shillings, and pence. Let him show us that this proposition will conduce to the efficiency of our Army. Let him prove us that 20, 30, 50 years hence, our officers will be more skilful, more industrious, more experienced, and more ready to face hardships and privation in consequence of a system which, in the very words of the Commissioners on these recommendations we recur to it, means nothing more or less than this—that poor men are to serve their country at Bermuda and Hong Kong, and that rich men are to serve their country at the Phoenix Park and in Pall Mall. Let him prove that, and if anyone has the ability required to prove it, it is he; let him not put us off with the verbiage of Commissioners who, in their capacity of Commissioners, have no more knowledge or authority on the subject than any three individual Members of this House. But, now, let us take the argument of this measure as stated by the Commissioners. There are, they tell us, many good officers who would be willing to serve in India and elsewhere as a consideration. Now, that is a state of things which undoubtedly exists, and will continue to exist as long as Her Majesty keeps her hold upon the Empire of India. There will always be a large number of officers who will not be willing to serve abroad without a consideration. Service in India is not in the long run so pleasant that a man will willingly stay there for nothing. But that consideration exists already, and has long existed,

not in the questionable shape of a private douceur, handed over by one public servant to another, but in the legitimate, the honourable, the strictly defensible form of large extra emoluments, paid by the nation from the national treasury to the officers whom it employs, to compensate them for the extra risks of the climate and the extra discomforts of exile. A lieutenant-colonel in command of a regiment of cavalry at home receives less than £500 a-year; in India he receives upwards of £1,000. A major at home gets about £1 a-day; in India he gets 43s. or 44s. A captain's pay is nearly doubled; a lieutenant's pay is nearly doubled. All ranks of officers already obtain exactly that consideration which we are told, and justly told, is called for by the conditions of Indian service. The next argument in favour of this Bill is, that there are many good officers blessed with this world's goods who, for family reasons, and under medical advice, are anxious to give up foreign service, and join a regiment stationed at home. Now, in speaking of foreign service, with our Army distributed as it is at present, we are, in effect, speaking of India. Now, the circumstances of service in India are such that it is necessary that every facility should be given for the return of officers who have been there too long, or who should never have been there at all. Some men are constitutionally so framed that they cannot live in the Tropics, or can live there only as invalids. Others, who are healthy enough themselves, are married to wives who cannot support the climate; others, again, having growing families in course of education at home, find themselves face to face with the most painful of all domestic problems—whether the household in India is to be deprived of the wife, or the household in England to be deprived of the mother. If these considerations were overlooked by the Government, if a hard-and-fast line was drawn behind an officer who had once sailed for India, forbidding his return except at the sacrifice of his commission, our Army would have cause not only for grumbling, but for positive disaffection. But the system inaugurated by the late Secretary at War provides a remedy for this state of things. Lord Cardwell fully recognized that officers might be unable to stay in India for family reasons, and

on account of failing health. But he recognized likewise that bad health and family affection are not confined to officers who are blessed with this world's goods. He took his stand upon the theory that every member of the same noble service should cast in his lot with others and be content to share and share alike. He made arrangements by which the officer who wanted English air was enabled freely to exchange with the officer who wanted Indian pay, and he allowed a sum of money for outfit and cost of passage for self, family, and servants, according to a fixed scale calculated and determined not by the parties to the transaction, but by the authorities themselves, which might be paid by the officer who wished to come home to the officer who wished to go out. If this is not a sufficient inducement, then it becomes the business of those with whom the government of our Army lies to look after the health of the people whom they employ. When a commander or a lieutenant is invalidated home from a naval station, the Admiralty find some one to take his place, and just so, when a colonel or major is invalidated home from Burmah or the Punjaub, the military authorities are bound to see that his substitute goes out forthwith; and if they have not the strength of mind to do this, their first and their most ordinary duty, all I can say is, that they have no title to the name of authorities at all. And do not let hon. Gentlemen think that the consequences of this Bill will be as few as its words, or as simple as its single enacting clause. One principal danger of this measure lies in its indirect but infallible results. Once give Parliamentary sanction to the theory that a commission is again a commodity that is a fit subject for barter; bearing a premium or a discount in a military stock exchange—which, if this Bill is passed, ought, like the Royal Exchange, to be solemnly re-opened by Her Majesty in person—and it is impossible for you to place any limit to the future influence of money upon the officering of our Army. Some hon. Members who had not the advantage—not, perhaps, in all respects an unmixed advantage—of listening to the debate on the Army Regulation Bill, may not be aware of the circumstances which, whether they liked it or not, placed the late Administration, and would have placed the present Adminis-

tration, under an absolute necessity of abolishing the Purchase system without the delay of a single session. A Royal Commission presided over by Sir George Grey, had, in the course of 1870, inquired into the custom of over-regulation prices. That Commission reported that the payment of those prices had been forbidden by statute, had been forbidden by regulation, had been at one time made illegal by a clause in the Mutiny Act, had been at another time made dishonourable by the solemn declaration on the part of the officer that he had not paid them; but that in spite of all these obstacles, legal and moral alike, the over-regulation prices continued freely to be paid, and commissions bore, and always had borne, not their official, but their market value. Their opinion was backed by that of responsible military authorities. The Duke of Cambridge, when questioned about the attitude of the Horse Guards with regard to the illegal practice, admitted that he was quite unable to stop it. This powerlessness on the part of our military chiefs proceeded from a cause which was well explained in the Report of the Commission, which says—

“In these transactions, when one man has something of value to sell which can legally be sold, and another man is desirous of purchasing it, the opportunity being afforded them of coming to a mutual understanding, it has been found useless to prescribe by law or regulation the precise terms on which the sale is to be effected.”

Alter the word sale to barter and there you have the exact condition of things which will result under the Bill. The Report containing this remarkable sentence was signed, among others, by the First Lord of the Admiralty and by Lord Justice James—that is to say, by two out of three of those very Commissioners on whose authority we are now requested to expect that we may allow public servants once more to deal commercially in public functions, paying and receiving the difference in their marketable value, and at the same time keep out of our service the abuses of bonuses, over-regulation prices, and other concomitants of the abolished system, if only, say they, the authorities, will adopt proper precautions. Now, what reason have we to hope that those precautions will prove effective in preventing abuses in the sale of exchanges, which these very Commissioners allow

Mr. G. O. Trevelyan

have proved ineffective in the sale of commissions? With all respect for the commissioners, I prefer on this subject military opinion. Lord West explained to the Purchase Commission, as long as exchanges on the old system are permitted, the officers of a regiment where promotion is slow will make up a purse—and hon. and gallant gentlemen who have served in the Army, and hon. Gentlemen who have served in the Army can easily guess, that sort of process the making of a purse in a regiment is—in order to induce a colonel or a major, or a captain high in the list, to exchange with an officer of like rank in another regiment, who is willing, as soon as a decent and suitable period has elapsed, to retire and give everyone a step upwards. Lord West, describing this process with a minuteness of detail with which I will not trouble the House, ends in words which I should not venture to use, but which I give as the expressions of an able and well-known officer, by characterizing the whole proceeding as a “sorcery and degrading traffic.” As long as Parliament permitted the exchange of commissions, as exchange then was, and it is to be again, all attempts to suppress that traffic proved equally futile. At length, in the year 1871, Parliament was unwilling any longer to trifle with the violation of its statutes, and to interpose with its own authority. It abolished the whole system root and branch, sale and purchase and exchange ceased; it put the Commander-in-Chief under this honour to suppress the traffic. It required our officers on their honour not to continue the traffic; and when our officers are on their honour, you have a stronger guarantee than any written law or ordinance drawn with the utmost skill of the cleverest draftsman in the Inns of Courts, or of the most experienced clerk in our public offices. At the present moment, for the first time for nearly 100 years, the influence of money is non-existent in our Army. And now comes the right hon. Gentleman, and asks us to give our sanction once again to the principle that a commission is a piece of property that may not, indeed, be sold, but may be bartered at its market value—that principle from which, as the Royal Commission after Royal Commission has proved, and as our own common sense must tell us, many of the

evil consequences of purchase inevitably flow. It is quite certain that rich men will buy exchanges from regiments where promotion is slow into regiments where promotion is quick. Officers will again purchase, not indeed promotion, but the prospect of promotion. Let us seriously consider what we are doing before we divert the attention of our young officers, even in part, from their professional studies and their professional duties, on which they are now exclusively intent, and encourage them once more to let the conversation of the mess-room run on such topics as the opportunities for promotion in their own as compared to other regiments, on their contributions to the regimental purse, on the objectionable qualities of the officer above them who refuses to exchange out of the battalion, and all the other miserable details of that haggling and huxtering dignified by the name of treaties and negotiations, which is little less than scandalous when the article in question is the command of men, with all the power for good and evil which that command places in the hands of those who possess it. And now it is well worth our while to consider the effect which this Bill will produce upon those salutary changes which have been introduced into the administration of our Army, with the approbation of both parties in this House. Some of the most important appointments in the gift of the Crown are the lieutenant-coloncies of our regiments. The discipline and welfare, and in time of war the honour and safety, of many hundreds of men are placed almost unreservedly in the hands of one individual. Without entering into ancient controversies, it will be universally admitted that under the Purchase system, the succession to these appointments proceeded by a course over which the State had very little control. Before 1871, the command of a regiment partook more or less of the nature of a freehold; and it was in order to buy out all existing claims, and to set the hands of the authorities absolutely free to choose the ablest, the fittest, and the most distinguished men for this most critical of all posts, that the nation was called upon to pay £7,000,000. And that great sum the nation undertook to pay; but it was on the clear understanding that, from that day forward, as long as England

had an Army at all, the Commander-in-Chief should have full power to name any officer of suitable rank to the command of any battalion, and that he not only should have that power, but that he should be under no restraint, moral or material, direct or indirect, which could hamper him in the exercise of it. In an Empire like ours—hon. Gentleman who sit around me may consider it an exaggeration—I believe that that power was cheaply bought at the price. But what does this Bill do? for it is with the Bill we have to deal, and not with Regulations of the War Office, which may be made one year and unmade another. It enables an officer who has been appointed lieutenant-colonel of a regiment, stationed perhaps on the north-west frontier of India, to offer an officer who is in command of a regiment stationed at York or Canterbury £1,000 to change their respective functions. Of course, I shall be told that the Horse Guards has it in its power to refuse the application; but the peculiarity of the purchase and exchange system—a peculiarity which, at the time, was well understood and acknowledged by the House of Commons—is, that where money interests are concerned, great and almost exclusive attention is necessarily paid to the private wishes of officers. When an officer comes to the Horse Guards with a story of his having received an offer, the rejection of which would be a serious loss to a struggling man with a large family, it is not in human nature—I am sure that it is not in official nature—to turn a deaf ear to his importunity. And the consequence will be, that a man who has been deliberately selected on account of his experience, his aptitude, and his ability for an Indian command, will be recalled to make room for an officer, very good and honourable, no doubt, and quite able to command a battalion for five years in a cathedral town in England, but not suited by local knowledge and personal character to be responsible for the duties of a border station in the Punjab, where the fortunes of our Eastern Empire may some morning be at stake. So much with regard to the bearing of the Bill upon the highest regimental command. But the same objections run through its relations to all ranks. Among the most vital, and undoubtedly the most popular, of the recent changes was the link-

ing of battalions for home and foreign service. This great reform was purchased at a large sacrifice of regimental sentiment and tradition, a sacrifice which it was highly to the credit of our officers to make. But it was purchased besides at a cost of money second only to the cost of the abolition of Purchase, if indeed, it be second only to that. What with the outlay of capital upon the buildings and training grounds of our dépôt centres, and the annual increase of the Estimates occasioned by the formation of a multitude of local staffs, the expense will, in the end, be so vast that nothing will recoup it, except the immense economy and the inestimable military advantage of placing in the hands of our authorities, the power freely to exchange men and officers between the home and the foreign battalions which have been linked into one corps. But if this Bill becomes law, that power will exist in name, but not in fact. Suppose the case of a regiment whose 1st battalion is quartered at Rangoon, and whose second battalion is quartered at Exeter. A young officer who prefers shooting woodcocks in Devonshire to feeding the mosquitoes in Burmah pays £1,000 to a comrade to sail in his stead. As time goes on, when the ranks of the battalion abroad are thinned by illness, it will become the duty of the Horse Guards to supply the place of the officers of the 1st battalion who are invalided in Burmah, by sending out officers from the 2nd battalion at home. But those officers will have bought the right of staying in England by a sacrifice of large sums of money. And it is quite idle to tell us here, in order to induce us to pass this Bill, that the military authorities will take no notice of these pecuniary transactions, and will make officers sail, whether they have purchased the right of staying at home, or whether they have not. All I can say is that, if such a course is taken, these officers will go to their duty abroad under a grievous sense of injustice, which I am not prepared to call unfounded. By bringing in this Bill, you have directly encouraged them to invest their money in securing the right of avoiding foreign service. You have said, in as plain words as a Government can say, that such an investment is legitimate, and is intended to attain its object; and if you break faith with these officers by sending them

Mr. G. O. Trevelyan

foreign service—for a breach of faith you may be well assured that they will not do it—you will raise up an amount of affection far deeper and more permanent than that which, by this inauspicious measure, you are seeking to allay. On the other hand, if you shrink from sending officers abroad at all times and to all places that the exigencies of the service demands, what becomes of the enormous delay which Parliament sanctioned when it passed the *Depôt Centres Bill* in 1872? Hon. Gentlemen who then voted for that Bill, and who now vote against this, must find what answer they can make to the country, and, what is much more serious, to their own judgments; but I, for one, will never consent to be a party to the responsibility of so wantonly and lavishly throwing away so much of the nation's money. It is not till these considerations, which I have feebly set forth, are answered, that the House can be assured that it is not undoing its own work. I have the most sincere respect and, if he will allow me to say so, a high regard for the right hon. Gentleman the Secretary of State for War; and it will give me real pain in days to come, it is said—as if this Bill becomes law it will infallibly be said—that Lord Cardwell abolished Purchase, and that the right hon. Gentleman, as I believe most involuntarily and unconsciously, did his best to restore it. And now I must ask the House to reflect for a moment upon the effect which this Bill will have on the regimental system of our Army. There was a time when those words were frequent in the mouth of hon. Members. In the course of the Session of 1871, our regimental system got its full meed of praise. One noble Lord called it “the best regimental system in the world.” Another hon. Member told us that it had “never failed in the British Army;” while a third appreciated it so highly, that he characterized it as “the one part of our military organization which had never broken down.” In the face of the rows of hon. and gallant Gentlemen who sit opposite, I shall not venture to give my own views as to the operation for good or evil of the Bill upon this boasted, and justly boasted system, but I will quote the opinion of one to whose words every English civilian listens with respect, and every English soldier with veneration. On the very eve of his departure for those

Indian campaigns which were to raise his name to one of the most eminent in the annals of our history, Lord Clyde left behind him as a legacy his recorded judgment as to the military results of the system of exchange—

“Anything,” he says, “would be an advantage that would cause men to remain in our regiments abroad who now get away from them by exchange or otherwise. There is no reward to an officer who stops with his regiment and does duty with it that you ought not to give him. It is for the happiness of regiments both in their moral and military character. There is no sacrifice too great for the State to make to those men who will remain with their regiments in every colony, and above all in India. Anything that would distinguish an officer for having served abroad and continued with his regiment, in climates where we would not go unless our duty called us, could not but have a beneficial effect. I had one of the nicest corps of officers when I was ordered out to China; all those men embarked with their regiment, but as soon as that service was over, and they had to remain in a climate like that of China, most of them immediately exchanged, and I lost my young friends whom I so much loved.”

I cannot believe that those hon. Gentlemen who in the Session of 1871 sung the praises of our regimental system hour after hour and night after night, until the surfeited pen of the reporter at length abjured its task, will now vote for a Bill brought forward for the purpose of giving legislative sanction to that very practice which the greatest soldier of our own generation has pronounced to be fatal to those objects for the value of which the regimental system exists. And now, in conclusion, I will say a few words on the effect which this Bill will produce on something which should be, and is more precious in the estimation of the House than even our regimental system—I mean the military spirit of our Army. When speaking on this subject I will endeavour, as I am sure every hon. Gentleman who succeeds me will endeavour, to be very guarded in my language, and to refrain from any expressions that may be distasteful to officers in this House, and still more to the far larger body of officers who have no seat on our benches. And in order to give a surer guarantee than can be afforded by any such promise with regard to the future, I trust that the House will allow me to take this opportunity of making amends in relation to the past. I am only too conscious that in old days I used words that were harsh and inconsiderate when speaking

on this and kindred questions, and especially I regret one sentence, of a somewhat epigrammatic turn, about officering our Army with the froth of society which has formed the title of a bulky pamphlet, and which has been quoted so frequently since that I cannot doubt that it gave pain at the time. My excuse is, that the sentence in question was spoken, not in this Parliament, nor even in the last Parliament, but that it was uttered in the course of the first speech deserving the name of a speech which, as a young and inexperienced politician, I had the honour of making in the presence of this the most formidable of all audiences. And as another excuse, which, I am sure, will find acceptance with British officers, it was uttered in the almost despairing ardour of an assault upon that which nearly every one besides myself at that time regarded as an impregnable position. Having said this much, I will put a case to the House, and earnestly request it to give to that case its gravest and most minute consideration. An officer serving at home is willing to exchange to India. In the battalion to which he desires to exchange there are two officers anxious to come home. One is an unmarried man, who thinks that in England he will have a better chance of promotion, and knows that he will have a pleasanter and more varied life. The other is a married man with a wife and family, whose health suffers from a residence in India, but who, from the very fact of his being a married man, is unable to find the sum of money which his comrade can easily procure. Under any well-regulated military system it is the older and less wealthy man who would be permitted to exchange Indian for English service, but under the Bill of the right hon. Gentleman—this Bill which we are required to believe would be of much benefit to poor officers—it is the younger and richer of the two who would infallibly carry the day. I say the richer, because this Bill will once more introduce the unfortunate necessity of distinguishing between rich and poor officers which was one of the most disagreeable and demoralizing results of Purchase. In other professions, when we speak of a man as rich or poor, we refer to his success or failure in his profession. We do not insult gentlemen engaged in other callings by allusions to

Mr. G. O. Trevelyan

the allowances which they get from their fathers, or the legacies which they expect from relations. But now that the right hon. Gentleman has brought this question before us, we are forced once more to talk of officers as rich and poor in worldly goods, whereas the only matter which concerns us is, whether they are rich or poor in professional skill, knowledge, and ability. And now, having made this short defence of myself for referring to the private circumstances of our officers, for which breach of delicacy the right hon. Gentleman is responsible, I beg to ask the House, whether it would not be utterly destructive to the military spirit of any Army if rich men were able to buy themselves off active service in the field? And if that is so, why should it be less destructive to military spirit that rich men should be able to buy themselves off, not from that which all our officers equally desire and covet, the opportunity of signaling themselves in the face of an enemy, but from that which they all equally dislike—prolonged service in an unpleasant or unhealthy station? Lord Clyde assents to the assertion that “there is a great readiness among our officers to go on service of any kind, but a great unwillingness to stay in an unhealthy climate where there is nothing to be done;” and I am glad to shelter myself behind his immense authority when I say that the truest courage consists not in going willingly to the field of battle—that courage is too common, or rather too universal among our officers to need any special praise or encouragement—but in enduring, month after month and year after year, the tedium of exile in dull and distant quarters, and the wearing depression of a residence in insalubrious climates. In all nations during the period of their national vigour, it has been held that rich officers should take their full turn not only of dangerous but of disagreeable duty with their poorer brothers. The feeling on this subject in the army of old Rome, the conditions of whose service resembled ours more closely than those of any other Army in the world’s history, are well expressed in those fine lines, which I am sure are familiar to the right hon. Gentleman—

“Hic petit Euphraten juvenis, domitique Batavi
Custodes aquilas, armis industrius; at tu—

The right hon. Gentleman is far too

good a scholar to require to be reminded of the epithets with which the satirist rebukes the young patrician who leaves his less fortunate comrades to endure the winter rigours of the Danube and the summer heats of the Assyrian frontier, while he spends a term of service amidst the baths, the gardens, and the public places of the luxurious capital. Once give Parliamentary approval to the notion that public servants are to settle the locality of their service among themselves by private bargain—once endorse the dictum to drop by an hon. and gallant Member in the course of 1871, that an officer had the right of selecting the country in which he was to serve the Queen—and there is no end to the precedents which you will establish and the controversies which you will excite. Recollect that you are not now sanctioning what already exists, you are setting up a new system, because it is in itself just and evil. Are our Inspectors of Schools and of Factories to be allowed to purchase exchanges from crowded, smoky towns in Lancashire to pleasant residences in Kent or Somersetshire? Are ambitious clerks in the Customs or the Post Office to be allowed to exchange with gentlemen in the Foreign Office or the Treasury, who happen to have an immediate need of a few hundreds in ready money? Are our County Court Judges permitted to buy themselves out of an over-worked district, or our Justice Judges to buy themselves out of a circuit where the courts are draughty, and the sheriff has a bad cook? Are our naval officers to offer money for a transfer from the Indian station to the Pacific station, or from the West African coast to the Channel Fleet? Who is going to move to add in Committee the words—"and by officers of Her Majesty's Navy from one ship to another ship?" Of one thing I am sure, from what I know of their opinions—that it will not be one of the naval officers in this House. Finally, are we going to extend this right of exchange from the commissioned to the non-commissioned ranks? Our privates, like our officers, suffer from the influences of climates; and our privates, and still more, our sergeants, have often a pretty sum of money in the regimental savings banks, some of which they would gladly give for the permission to exchange from a

regiment in the West Indies to a regiment at Aldershot. Every career has about it disagreeable drawbacks, which men would, if they might, pay money to avoid; and neither the eloquence of the right hon. Gentleman, nor the ingenuity of his great Leader, can rescue us from this dilemma—that if there is nothing to the disadvantage of the nation in the principle of this Bill, we are committing gross injustice in not extending it to all other branches of the public service; and if there is anything unsound in its principle, we are failing as a Senate charged with the care of the highest interests of the State, if we apply it to the Army. We are told that the distinction lies in this—that the other services have never asked for this Bill and that the Army has. The Army, or rather a certain number of the officers in the Army, have asked for this Bill, and at the same time, they have asked for a great deal else what the right hon. Gentleman has not the least intention of granting, but which I would far rather that he granted than this. They have asked for their money down, and it would be far better that we should pay them their money down, at a great and immediate cost to the taxpayer, than that we should give them this so-called boon, which will not indeed swell the Estimates of the current year or diminish the surplus, but the baneful effects of which upon the spirit and efficiency of our Army will be felt and acknowledged when the very names of most of us who vote those Estimates have been forgotten. This Bill is introduced in response to the wishes of officers brought up under the influence and the ideas of a system which the House of Commons has unanimously condemned and deliberately abolished. Accustomed from their youth to the sale of commissions, they naturally enough cannot discern the evil consequences which would flow from their barter. But if, a generation hence, this measure were submitted to the criticism of a body of officers reared and trained under another and, as I believe, a sounder system, I am firmly persuaded that it would be repudiated as a fatal concession, and resented as a reflection on their service. I beg to move that the Bill before us be read a second time on this day six months.

MR. HAYTER, in seconding the Amendment, said, the right hon. Gen-

tleman who had introduced the Bill stated that he had founded his arguments in support of it upon the interests of the officers. He (Mr. Hayter) wished that he could have said it was founded upon the interests of the service. It was, undoubtedly, the first time the House had been asked to give Parliamentary sanction to a practice in the military service which was quite unknown in every other service of the Crown. What would be said, if the First Lord of the Admiralty were to come down to the House and ask that Parliamentary sanction should be given to the application of a similar principle to the officers of the Navy? He objected to the Bill generally, on the grounds which had already been stated by the hon. Member for the Border Burghs, and particularly on the ground that under it the right hon. Gentleman was desirous of reviving a system which Parliament had unanimously condemned. It was true that the measure would not revive the system of purchase from rank to rank, but it would permit of the purchase of a higher position in each particular rank. The rich officers would be able to buy up the poor officers, and the system of making up purses, as in India, would again become general. If the Bill were passed, officers would be able to avoid any discredit to themselves that might result if they were to exchange into another regiment on the eve of their own being sent out to an unhealthy or a disagreeable climate, by regulating the system of exchanges according to the known rota in which the different regiments were sent abroad. Lord Clyde, in his evidence before the Commission of 1857, had declared that no sacrifices the country could make would be too great, if they would insure officers remaining with their regiments when sent abroad. Another objection he (Mr. Hayter) entertained to the Bill was, that the British Army was now in a very different position from what it was at the time the Purchase abolition debates were going on. Under the Army Regulation Act, every field officer appointed to the Staff was appointed by selection, and for a period of five years; but they had never heard of exchanges between those Staff officers. He could not come to any other conclusion than that the Bill was intended to benefit the richer class of officers only—to enable them to buy

Mr. Hayter

better quarters, easier terms of service, or more rapid promotion. Was it quite fair, he asked, to allow the rich officer to get off two years of irksome duty, to remove himself from an unhealthy climate, and to secure easier terms of service, whilst no such privileges were allowed to the non-commissioned officers or privates? The Bill would be discussed in every serjeants' mess in the Empire, and a deep feeling of injury would take rise in their minds, for it would be observed that whilst the officers would be allowed by it to purchase easier terms by sums varying from £500 to £2,000, the non-commissioned officers or privates would not be allowed to pay a £5 or £15 for a little indulgence, but would be kept to the strict letter of their Shylock's bond. Was the right hon. Gentleman wise in introducing a Bill of that character, before the Army Regulation Bill had got into full working operation, within four years of the abolition of Purchase and disarranging the compact which had been purchased at a cost of £8,000,000? The right hon. Gentleman looked down the full ranks of his Parliamentary supporters, and the Conservative majority was about to be called forth for the first time to win a party victory in favour of this Bill; but they, on their side, might well say that a few more such victories, and that majority was undone. He trusted that the Bill would be vigorously fought at every stage, and that the discussion in that House would only close to be reopened in "another place." He asked the right hon. Gentleman whether, when the Bill was discussed out-of-doors, the large majority which aided them in abolishing Purchase, would not aid them again in defeating this Bill, so similar in its character, and equally mischievous in its results, with the same unswerving and unstinted support?

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Trevelyan.*)

LORD ELOHO said, that looking at the question from an independent point of view, the course which should be taken with regard to the measure appeared to him so manifestly clear, that he would, with the permission of the House, say a few words on the subject. It was with much curiosity that he had waited to

near the arguments which would be brought forward by the hon. Member for the Border Burghs (Mr. Trevelyan) in support of his Amendment, because, to his mind, the arguments against it were so very clear and convincing that he could not see how the House could avoid supporting the Bill of the right hon. Gentleman. He had been fully prepared to hear from the hon. Member for the Border Burghs the arguments he had brought forward during the Abolition of Purchase Debates, and while listening to the hon. Member's speech, it appeared to him that he heard again the swish of what Captain Vivian had wittily termed "*Le sabre de mon père*," which he had flourished so unmercifully three years ago over the heads of those who had opposed the Army Regulation Bill. The hon. Member's speech was founded upon those abstract principles which all pure Radicals believed must be rigidly adhered to in governing a country. From the dictionary of politicians of that class the word "compromise" was omitted, without which the government of a country could not be carried on. And it was, perhaps, from want of a knowledge of that condition of government, and from want of consideration, in their dealings with men, for human interests, feelings, and prejudices, that the Liberal Party found itself in its present forlorn position. The fact was that this measure was merely the necessary sequel to the Abolition of Purchase Bill, or rather it was the direct consequence of the manner in which that Bill was carried through the House. In the opinion of the most eminent military authorities, the measure was absolutely necessary to support the discipline of the Army. He did not wish to revive the question of purchase, but he would ask the House to follow *ad orem* the proceedings which had ended in the present Bill. Those who resisted the abolition of Army Purchase did so not because they approved of that system, but because to get rid of it would entail a great and unnecessary expense upon the country, and, further, because the abolition of Purchase was not calculated to put the Army upon a sound and proper footing. It was also resisted on account of the way in which the officers were dealt with by the Bill, and it was in consequence of the manner in which the objections of the officers were treated that so many di-

visions were taken during its progress through the House, and so sound were those objections found to be, that the Government majority was reduced from 120, which it numbered at the commencement of the discussions, to a majority of only 16 or 14 towards their conclusion. The Opposition believed that there were points in the Bill of the late Government which might have been conceded with safety to the principle of the measure and the efficiency of the service, and one of those questions referred to the practice of exchanges. It was brought forward by an hon. and gallant Member (Colonel Anson) who possessed the confidence of his brother officers, and who contended that the practice of Army Exchanges was essential to the good of the service. The late Government had, in the earlier years of the septennial life of that Parliament, what the present Prime Minister once described as a "mechanical majority," and by the force of that majority all reasonable proposals on behalf of the officers were over-ridden. The Bill of the late Government was thus forced through the House of Commons. It then went to "another place," where it was thrown out by a large majority. It never became law by the action of the Imperial Parliament; but after coming to a natural death, it was galvanized into unnatural life by the high-handed exercise of the Royal Prerogative. Was it astonishing that a measure which had dealt so summarily with their interests, and which had become law in that strange way should not be readily accepted by the officers of the Army. The result was, that throughout the Army, at home and abroad, a strong feeling was manifested in every regiment, which took the form of Petitions to Parliament. And in thus petitioning, the officers were not in the wrong, because an officer in the Army did not thereby lose his civil rights. But His Royal Highness the Commander-in-Chief interfered and stopped the Petitions on grounds of military discipline. As, however, it was felt that the officers had a sound and legitimate grievance the Order was relaxed, and through the mediation of Major-General Sir Percy Herbert officers were allowed to draw up and sign memorials, provided they were sent in to the Horse Guards through their commanding officers. That the discontent was real, there was little doubt, for

the covering letters of the Generals showed in the strongest way its existence and depth, and he might, if required, quote passages from several of them in corroboration, as, for instance, from those of Lord Strathnairn, General Steele, General Horsford, and General Greathed. He would, however, only detain the House by reading a passage from the covering letter of General Sir Hope Grant, in command of the School of Instruction at Aldershot—a camp which included the largest body of troops collected at any one place in this country. General Sir Hope Grant said—

“I am fully convinced of the strong feeling of discontent and dissatisfaction which prevails among regimental officers upon this subject. This is mainly owing to the idea that their case has never been fully gone into before a military tribunal. Without some such investigation I am satisfied that this feeling will increase in intensity. . . . And I think that a Royal Commission, before which the officers could unfold their views, would do more than anything else could do to allay the feeling which now so unfortunately prevails.”

Other commanding officers bore equally strong testimony. The next step in the history of the Bill was a Motion for an Address to the Crown praying for the appointment of a Royal Commission. That Motion was made in “another place” by the Duke of Richmond, and it was carried by an enormous majority of 83, the contents being 129, and the non-contents; 46. Almost the whole of the minority were Peers officially connected with the Government, the few, he thought only 11, who were not so being either newly-created or Liberal riband-decorated Peers. Many Peers who usually acted with the late Government voted against them. What said His Royal Highness the Duke of Cambridge on that occasion? The House might be sure that he would not have spoken as he did unless he felt strongly on the subject. He said—

“Nothing would induce me to utter one word on this occasion if it were not that I feel called upon to point out in the strongest manner to every Member of this House that anything more detrimental to the interests of the Army, to the interests of the service, or to the interests of the country, than to have a discontented set of officers it is impossible to conceive. Therefore, I hope, whatever their Lordships may decide—it is not my province to interfere in any political question—your Lordships will decide with the object of putting an end to that discontent which I am grieved to say I believe does exist.

Lord Elcho

I think it is very much to be deplored that anything should engender among the officers of the Army a spirit of discontent . . . and I trust that the officers' claims will be dealt with, not so much according to the strict letter of the Act as according to justice and equity.”—[3 *Hansard*, cccvii. 636-7-8.]

Another noble Lord (Lord Hardinge), who had been Under Secretary of State for War, and who bore a name honoured among soldiers, read a letter from an officer, who said that the course taken by the late Government had been detrimental to the morale and injurious to the discipline of the Army. The result was, as already stated, that the whole House of Lords, with the exception of the Members of the Government and those connected with it, voted in favour of the Royal Commission. That Commission was, accordingly, appointed by the late Government. It consisted of men remarkable for their zeal, ability, and discretion, and they took the evidence of the Commander-in-Chief, General Airey, Sir Charles Yorke, late Military Secretary, and of other officers of rank and position. It had been pointed out by his right hon. Friend the Secretary of State for War that the subject dealt with by the Bill was the only one as to which the Commissioners appeared to entertain no doubt whatever. They cleared away the ground as far as it was concerned, and then passed to a question which they found more difficult to deal with, and as to which they went against the opinion of the officers. And it was worthy of remark that the Royal Letter appointing the Commissioners laid down most clearly and distinctly the terms within which it was considered they could exercise their discretion. It was, therefore, within the terms of a Letter, prompted by the then Secretary of State, that the three Commissioners—men said to be specially chosen for their ability, zeal, and discretion—exercised their discretion in the manner already pointed out to the House. He ventured to think that the argument that the Bill would resuscitate purchase in the Army was altogether unfounded. It had now done so in the non-purchase corps; and after the opinions of the military men he had quoted, opinions so strong and coming from persons who were responsible for the discipline of the Army, he could not but regard what had been said as to the

earing of the details of the measure upon poor or rich as being altogether beside the question, more especially as the poor officers had given evidence in its favour. It was, then, upon the question of which he had endeavoured to give his brief history that they were now asked to vote, and concerning which the right hon. Gentleman the Secretary of State for War had thought it necessary to bring in this Bill, and what the House had to consider was, whether it would reject at once a Bill brought before it under the circumstances to which he had referred, and which was backed by such high authority. His right hon. Friend spoke not in his own name merely, but in the name also of those who were responsible for the discipline of the Army, and holding the responsible position he did his right hon. Friend could not have acted otherwise than as he had done. He would, had he done so, have been wanting in his duty to the Crown. He would go further, and say that if the late Secretary of State had been in his place in that House as Minister for War, he could not have avoided having effect to the Report of the Commissioners. ["Oh, oh!"] He could not have avoided it. He (Lord Elcho), therefore, could not but think that the opposition had chosen upon this question a very weak position for their battlefield—a weaker position almost than that which they took up a few days ago in respect of Ireland, and he was sorry his noble Friend (Lord Hartington), who had himself been Secretary of State for War, and who might and probably could again occupy that responsible position, had lent himself to the opposition to a measure that came before the House, recommended and sanctioned this Bill was, and which had for its object the contentment of the officers and the discipline and efficiency of the Army.

MR. ANDERSON said, the able and exhaustive speech of the hon. Member for the Border Burghs (Mr. Trevelyan) had left very little to be said on the opposition side of the House. He had said, however, considerable hope when the noble Lord (Lord Elcho) rose, that he would furnish some new argument to be answered, but new arguments had only been introduced to a very small extent indeed. The one new argument which Lord Elcho had brought forward

was, that if Lord Cardwell had been in the House now, he would have considered himself bound by the Report of the Commission to support the present Bill. But he (Mr. Anderson), speaking from absolute knowledge, could say that after Lord Cardwell saw the Report of the Commission, he was decidedly hostile to the Bill of last year, which was identical with the one now introduced. But though Lord Elcho had not provided any new arguments, his speech would be very effective in damaging the Bill, for he had told them the Bill was founded on a policy of retaliation. [Lord Elcho: No, no!] The noble Lord had told them, at all events, that the measure sprang entirely from the discontent which arose in consequence of the mode in which the abolition of Purchase was accomplished, that abolition having been effected, not by the votes of the two Houses of Parliament, but by the exercise of the Royal Prerogative. The noble Lord now declared that that was not retaliation; but it appeared to be something very much like it. One of the strongest arguments which could be used against the Bill was, that when it was brought forward last year, he (Mr. Anderson) was its only ostensible opponent; but on this occasion, it was opposed by the united strength of the Liberal party. What did that change mean? for it was a very peculiar one. It simply meant that during the interval that had elapsed since the close of last Session, hon. Gentlemen had come to know what were the meaning and bearings of the Bill, and they had found out that it really aimed a very serious blow at the system of non-Purchase which was won with so much difficulty in the last Parliament; and that if it were passed, it would be certain to lead to the revival of some of these lapsed vested interests which did so much harm before. Of course, everybody knew that Purchase was abolished in opposition to the will of the Conservative Party, and, perhaps, it was not very wonderful that that party, now that they were in office, should seek to upset the decision against which they so strenuously fought. Equally, of course, in trying to re-impose Purchase, they made their beginning with the mildest form of the evil; but he hoped that would be seen through. He was glad, at all events, to see that the present Govern-

ment were making that attempt in the form of a Bill, for he disapproved as much as possible of the settlement of any such question by the issue of a Royal Warrant, and he hoped that if the Bill were defeated, as he trusted it would be, the Government would not fall back on the issue of such a Warrant. But while he disapproved of the conduct of the late Government in issuing a Royal Warrant in an improper manner, he believed it was the first great blunder they committed, and it was fair to say that in then using the Royal Prerogative to abolish privilege, they were in entire accord with the national will. If the present Government were to turn round now and endeavour to restore privilege by a Royal Warrant, they would run counter to the national will, and throw odium on the Throne itself. What was the intention in bringing in the Bill? The right hon. Gentleman the Secretary for War said it was not intended to bring back Purchase; but it was for the House to consider what was the object of getting rid of Purchase, and what was the object of the present Bill. The object in view in getting rid of Purchase was to abolish all money traffic for gain among officers in respect to their commissions. The sole object of this Bill was to restore money traffic for gain in respect of officers' commissions. A Bill was not required to facilitate exchanges, for they were permitted under the present rule, if the exchanges were reasonable and fair ones, and the costs incurred were allowed to be defrayed by the officer who desired the exchange; but everything beyond that was clearly wrong, and would only lead to vested interests. The right Gentleman had said also that exchanges would be very carefully guarded by the authorities; but they all knew what that meant, and they knew what careful guards were, and how they were gradually opened to corruption, and private interests came in. The rules might be changed at any time, but the Bill was final, and corruption would inevitably creep in, and after that private interest would do everything, and exchanges would cease to be of the harmless nature which they were said to have at present. Over-regulation was no doubt carefully guarded against originally, and so careful was the guard there, that officers were obliged to make

and sign a declaration on their honour that no over-regulation money was paid or received. He had no doubt that that restraint was effectual for a considerable time, and that when the authorities imposed it, they believed it would stop over-regulation altogether. But how did it end? Why, before long it was notorious that noblemen and gentlemen in an honourable profession, which considered itself the very soul and type of honour, systematically made and signed declarations upon their honour which they knew to be lies, and put the price of those lies in their pocket. That was the position to which careful guards brought the honourable profession of arms. Careful guards had failed before, and would, no doubt, equally fail again. They had now got quit of the stain, they had torn it out root and branch, and should take care that it was never restored. The right hon. Gentleman had stated that the Bill was founded on the Report of the Commissioners, and had read an extract from the Report, which he termed very decided; but he (Mr. Anderson) would read the same extract, in order to show that it was very undecided indeed. The Commissioners said—

"The new rule has obviously proceeded from an apprehension that to allow any pecuniary bargaining among officers with respect to their commissions might be as the letting out of waters bringing back Purchase, over-regulation prices, and the other incidents of the abolished system. We are not satisfied that there is any real danger of this, and we are satisfied, on the evidence before us, that a return to the old practice would be very acceptable to the Army."

The distinction between the phrases "We are not satisfied" and "We are satisfied," was in that passage very remarkable, and it was worthy of note that the Commissioners would not go the length of saying—"We are satisfied there is no danger." It was upon such a milk-and-watery utterance that the House was now asked to legislate. Such legislation might be accomplished by what Lord Elcho had styled a mechanical or tyrannical majority; but it would never be done with the approval of the people of the country, who had made great sacrifices to get rid of Purchase, because the vested interests it created had impaired the Army and prevented Army reform. Indeed, it seemed at one time as though the Army was made and kept up for the benefit of the officers,

Mr. Anderson

d not for the benefit of the country; d until the nation bought it back m the officers, at a very heavy price, was impossible to do anything with

It was full of fancy officers, who nt in to make a pleasant plaything of e service, and though he admitted at such men never shrank from fight- g when the opportunity came, it must remembered that fighting was not the y duty of an officer, who had to go ough a large amount of patient rou- e and discipline, which would make hting more effective, but which s always irksome to officers. By ans of the old system of buying and ling exchanges, rich officers used to able to get rid of the irksomeness ogether, and practically selected their n stations for service; and that was a tem which Parliament was now asked restore. The country wanted officers o would be ready to go with their iments wherever and whenever they re sent. If the matter of trafficking exchanges was good for the Army, must be equally good for the other vices. A naval officer ordered off to e West Indies, but who dreaded olera and "yellow Jack," would be gmatized for life if he were, by a ney bribe, to try and get another cer to take his place, in order that he ight go home and enjoy the luxuries life. A naval officer could not do such hing; it was only to be allowed to the my. It had been said that remarks this kind were contemptuous of the icers of the Army as a class; but he claimed any such idea. He knew at the majority were patient, hard- rking, earnest men, who loved their offession, and too often they saw prizes ss away to others who less deserved m. For these men he had nothing t respect. His animadversions were fined to the fancy officers, the aristo- t who went in to make a pleasant ything of the Army, or the rich *par-* u who went to obtain a social position ich he could not otherwise attain. ch men were of no good to the Army, ich would be much better without m; but it was to encourage those n that the present Bill was brought in. uch a measure was good for the icers, it would also be good for the n-commissioned officers and privates. e careful guards which were to be rded would either permit superses-

sion, or bring in the system of purses. So long as the rule remained that the exchanging officer was to be the lowest of his rank in his new regiment, purses would be made up to induce a senior officer to exchange out of a regiment, for by that all below him would gain a step; and if, on the other hand, the exchanging officers simply changed places, and each stepped exactly into the place of the other, that would amount to supersession. Where there was a rich man ready to buy, and a poor man ready to sell, it would be most difficult to prevent corrupt practices, or practices contrary to law, from cropping up. In the Marine corps, for instance, which was supposed to be a strictly non-Purchase corps, a system of buying out officers had regularly gone on, and was known and winked at at headquarters. The right hon. Gentleman the Member for Pontefract (Mr. Childers) made a retiring scale, by which lieutenant-colonels might retire at the age of 51, but were compelled to do so when 54, unless made full colonels, and captains might retire at 45, but must do so at 48, unless made lieutenant-colonels; and the result was that when a captain was nearly 48, or a lieutenant-colonel was close upon 54, they looked about for some one in the rank above who was likely to retire, and bribed him by a money payment to do so. In conclusion, he must again express the hope that the present Bill would not be passed into law.

SIR H. DRUMMOND WOLFF said, that the hon. Member for the Border Burghs (Mr. Trevelyan) and other hon. Gentlemen opposite had described the measure as a relic of the old Purchase system, but he could say from his experience, which had been derived from residence in the Mediterranean, in the midst of a large garrison, that it was not, nor was it likely to lead to the introduction of that old system, for the system now proposed had existed in the non-Purchase corps, and it had not led to any traffic beyond the system of exchanges. The late Member for Bewdley (Colonel Anson) had shown, in a letter, that exchange had always existed in the Artillery, and yet, notwithstanding the existence of Purchase in the other branches of the service, exchanges had never had that tendency in the Ordnance Corps. It must be remembered that our Army was a

volunteer Army; that, unlike any other existing Army, it was liable to expatriation; that you could not govern an Army by the laws of political economy; that you could not introduce labour into it by foreign competition; that you could not, in money value, give a fair day's wage for a fair day's work, and that the Army must be made attractive to men by bounties and pensions, and to officers by attractions of another nature. That end could never be accomplished if rules were to be maintained that were calculated to spread discontent; and it was to remove the cause of any such, that the Bill had been introduced. Why worry the man ready to pay, and the man anxious to be paid. In the French service money payments were recognized, as in the ranks, conscripts could pay for a substitute. It was in that way that the late Emperor kept so many veterans in his Army; they received the conscripts' money, and consented to extend their period of service. He must protest against the endeavour to run down what the hon. Member for Glasgow designated the "fancy" officer. It was expedient that country gentlemen having county influence, and others having independent fortunes, should be encouraged to enter the Army for a short time, for the sake of benefiting by its discipline both themselves and the localities in which they resided. The recent Conference at Brussels showed how much the foreign Powers having large Armies dwelt on the necessity of local organization. The articles submitted restricted the laws, rights, and duties of war to troops of any kind commanded by officers responsible for their subordinates conforming to the laws and customs of war, and forbade the constitution of an Army unless it was governed by men having a knowledge of those laws and customs. For these reasons it was well that men having independent means should endeavour to learn discipline, in order that they might command corps of Militia and Volunteers with an efficiency which was to be acquired only by service. What harm had ever resulted from these exchanges? Rich men were allowed advantages at present. They were allowed to pay the travelling expenses of poorer men who came home. Besides, if they did not wish to go to an unhealthy climate, they could retire without damage to their future prospects. If it did not damage the public

service, they ought to encourage the introduction of richer men into the corps of the service. There was no analogy whatever between the Army, the Navy, and the Consular Service. A Consul was appointed specially to a particular place, not generally to the Consular Service. In the Navy, officers were entitled to refuse commands, and when they did accept, it was only for three years; whereas, officers in the Army were sent to a station for 10 years, and had frequently not only to live in the worst climate, but were not able to take away their families in bad seasons. He thought it a great pity that this had been made a party question. It was not so considered when the late Government appointed the Commission. If there were any bias in the minds of the two Judges who were appointed on that Commission, it must have been rather in favour of those who appointed them. Yet, in their opinion, exchanges would certainly not be detrimental to the service. The hon. Member for Glasgow (Mr. Anderson), speaking on the first reading of the Bill, said—and it had since been echoed by the newspapers of his party—that it was a measure of retrogression and reaction. If so, it was the retrogression of common sense which retraced false steps and repaired administrative blunders. In his view it was, in the best sense, a measure of progress. It satisfied the officers without expense to the country, and increased the efficiency of the Army without augmenting the public burdens.

GENERAL SHUTE said, the hon. Gentleman the Member for the Border Burghs (Mr. Trevelyan) had put forth suppositions in his speech that evening which would be read with astonishment by every practical soldier. Many of his statements could have no possible foundation, except in his own imagination; but, no doubt, he had said some things which were of a little more importance. He (General Shute) would therefore disregard the "froth" of the hon. Gentleman and endeavour to answer his arguments. When he some four years ago was quartered in a manufacturing district, he was astonished to find that the majority of the people, believing in political agitators, compared the late Purchase system to their own bubble mining companies, which were always plausible in theory but nefarious in practice, whilst the Purchase system, if indefensible in

Sir H. Drummond Wolff

ry, was admirable in practice; and would say to the hon. Member for *sgow* (Mr. Anderson) that if under Purchase system an unfit man was promoted to the command of a ment, it was the fault of that Commander-in-Chief who made the appointment. And if selection was to be the, the Commander-in-Chief must have assistance of a council of general ers, or the Army, like the Navy, t be governed by a Board, the Secre- of State for War being the First Lord. the fact was, the Army had no confi- ce in selection, for it would be impos- e for any one man to select from the le British Army, scattered so widely t was. He was not aware, however, the system of selection had been at- pted even since the Army Bill passed. eemed to be forgotten by hon. Gen- en opposite that exchanges must re- e the sanction of the Commander-in- ef, and it was quite ridiculous to ose that he could be influenced by siderations of "a wife and children" end an utterly unfit man to an impor- command. An attack had been made an hon. Member on our regimental em. He had attended the Autumn œuvres in Russia, Austria, and in ace, and he knew that the regimental em of this country was the envy of all other great Powers in Europe, and oublet it was the finest in the world; when it was said that non-commis- ed officers and privates were not al- ed to exchange, he must be allowed to hat they very often did. In the regi- ts he had commanded, it had often a allowed. [Mr. CAMPBELL-BANNER- : Do they exchange for money?] eally had not inquired into the mat- but if poor men, he should have glad that they benefited by it. The Government had been emphatically overnment of arbitration—the two ses of Parliament differing, they appointed a Royal Commission to ine into the officers' grievances. He did wish specially to uphold the Report of Royal Commission, for they had not e the Army all the justice they ought ave done. But with regard to the ange system, they had most del- ly reported in its favour, and, efore, he was astonished that this ade a party question. In his ion, the right hon. Gentleman at the t of the War Office had shown such

consideration for regimental officers as they had not experienced for a long time before, and they looked upon this Bill as merely a small instalment towards the removal of one of the great grievances resulting from the Army Bill—a measure which was forced upon the Army and on the country by very questionable means, and contrary to the opinion of every practically good soldier in that and the other House of Parliament. This Bill, if passed, would confer upon them a very great boon. There was no fear of the Exchange system bringing in the Purchase system again, because the two things were entirely unconnected. In the Artillery, Engineers, and Marines, they had from time immemorial had the Exchange system, yet they had never adopted the Purchase system. The Exchange system was required, first, in reference to health. He had known many an excellent officer who had gallantly served his country in India and in the colonies, who, had he been exposed to a Crimean winter campaign, or to the wet and cold of a European bivouac, would have quickly died. He had known others who, unable to endure the intense heat of a tropical sun, had nobly fought our battles in colder and more northerly climes. There were many reasons arising from family and social causes which made it desirable that exchanges should be permitted in the Army, and he would repeat, that if the Bill should be accepted by Parliament it would remove a great and serious grievance—the result of over-legislation and meddling. The officers of the British Army, as a body of English gentlemen, must ever be loyal and true; but he admitted that there was a suppressed growl of discontent from the general officer to the drummer-boy which had gone with the men on furlough and with those who were discharged, which might seriously interfere with recruiting. The Conservative Party had often been twitted with owing their present position to the influence of Beer, Ballot, and Bribery. This position, however, might be more justly attributed to the support given them by the friends of the Army. The Army had no politics, and always supported the Government of the day; but there was hardly a man in England, from the noble to the peasant, who had not either himself served or had relations, connections, or friends in the Army; and

he fully believed that at the last Election there was hardly one of them who did not oppose the late Government in consequence of their military policy. Now that the House had an opportunity, he trusted that some of those grievances of which the Army justly complained might be removed. The regimental officers who would be affected by this change deserved consideration. Our generals had, on occasions, failed us, the Staff had failed us, and the Commissariat had utterly broken down; but the regiments had never failed us. England's last great battle—the battle of Inkerman was won by the regimental officers, and he trusted, therefore, that the House would consider the wishes of regimental officers, for, as one of them, he could assure the House that they took the greatest and deepest interest in the Bill becoming law.

MR. W. E. PRICE said, he felt bound to oppose the second reading of the Bill; though, in doing so, he knew that he should be regarded as hostile by many of his military Friends. He agreed in every word that had been said in favour of allowing a perfectly free exchange between regiments abroad and at home; but he utterly failed to see how the provisions of the Royal Warrant of 1871 had, to any appreciable extent, interfered with that liberty, or how the officers had any just or reasonable cause of complaint. If he could see that that Warrant had interfered with the freedom of exchange, or if he thought that the Bill would conduce to the professional interest of officers or the general efficiency of the Army, he should vote for the second reading, in spite of certain obvious dangers that were incident to it; but exchanges were still constantly taking place, and the House could not have a better illustration of the fallacy of the proposals of the Government and of the unreasonable character of the complaints of officers than was contained in the letter of a late hon. and gallant Friend of his which had been previously alluded to in the debate. For his own part, he believed that exchanges were made with little less freedom now than they were before the date of the Royal Warrant. If it was not so, the right hon. Gentleman the Secretary of State for War would probably give them some information as to the number of exchanges which had

been made during the last few years. He had tried to inform himself on this point by going through *The Gazette* of the last four years. Excluding exchanges in the Artillery and Engineers, and also the half-pay exchanges, which were not included in the Bill, he found that in 1870, two years before the Royal Warrant came into operation, and when the officers had no idea that any such disturbing measure was pending, 93 officers exchanged in the Infantry, Cavalry, Guards, and Rifle Brigade. In 1871 the number was 88; in 1872, the first year of the Royal Warrant, there were 90 exchanges. In 1873 there were 60; and, though he had not the figures for 1874, he believed they had not fallen far below the average. It must be remembered that in 1872 the rank of ensign was abolished, and therefore a large number of what would have been mentioned in *The Gazette* as exchanges were now simple transfers. If, however, any material falling off had occurred in the exchanges, might it not be explained by greater attention to their duties on the part of the officers and greater professional zeal? The rates of pay in India—which to officers in the higher ranks were four times, and to officers in the junior ranks were double the rates paid at home—caused a steady flow of exchanges to set towards India; and these exchanges, on the whole, were advantageous to the Army if left alone, and if men were not tempted by the offers of large sums of money. The service, however, would be greatly prejudiced if you raised up a class of officers who were ready to pay a large sum of money for the right to serve in a particular locality. This was the danger of the proposal now made by the right hon. Gentleman. He contended that the Bill was unnecessary, for he believed that exchanges took place as frequently as ever, and his own connection with the Army had shown him that there were “fast” regiments, in which officers were apt to exceed their means, and then to gain several thousands of pounds by exchanging. These were the officers who raised this demand, and he put it to the House whether it was worth while, for the sake of officers of that description, to institute such a change as was proposed. While the Bill was unnecessary, it was also inexpedient, because in an Army like ours, one-half of which

General Shute

least was always abroad, serving in most every degree of longitude, officers could not be allowed to raise up vested interests, if not in commissions, in their power to choose their place of service, thereby reverting in part to a system which, after infinite trouble, had been abolished. He believed that officers could club together, and would make a case with which to buy out their seniors, and that vested interests would again spring up, and hamper and impede the working of the service. In all the debates on the subject in the last Parliament, by the public, and by the Press, had been continually urged that great difficulties would have to be contended with in preventing the revival of Purchase. It seemed that the Government were determined somehow or other that that prophecy should be fulfilled, by fulfilling it themselves; instead of displaying firmness and determination to carry out loyally the wish of the country, as declared in 1871, that Purchase should cease in the Army for ever.

COLONEL GILPIN said, he was not surprised that those who did not belong to the Army should regard the present measure as an attempt to revive in some degree the system of purchase; but he did not understand how hon. Members who had held commissions in the service could look upon it in that light. The hon. and gallant Gentleman, who had shown so much ability seconded the Amendment, had served in one of the most splendid regiments in the service—a regiment which had distinguished itself whenever employed on foreign service; and, in general, its duties oscillated between Windsor and London, and at either of those places were its services very arduous. It was therefore not surprising that the hon. and gallant Gentleman, when sitting in his club in Pall Mall, had not thought much of those officers who were doing duty in the West and East Indies. This was a matter which deeply interested the service, and in consequence of the proposed arrangement, officers should perform their duties with greater satisfaction to themselves, it would be a great advantage to the country. Among the men transfers were allowed, and that was calculated to render the service popular. He knew that that was the case in the Militia. He thought the hon. Gentleman's (Mr. Trevelyan) statement a little overdone when he spoke of

Lord Cardwell's Act having been passed by the unanimous wish of the House. He (Colonel Gilpin) never knew of a measure which had been more opposed, or one which had given less satisfaction. It had weakened the service, and the very Government which had carried it had afterwards to appoint a special Commission to inquire into the mischief they themselves had occasioned. He thought the right hon. Gentleman the Secretary at War deserved a great deal of credit for the manner in which he proposed to carry out the recommendations of the Commission, and for doing so in a constitutional manner, without having recourse to the use of a Royal Warrant. He protested against the interests of the service being subordinated to party tactics, and must express his intention of supporting the measure as likely to conduce to the satisfaction of the Army.

CAPTAIN HOPE-JOHNSTONE said, that, having had the honour to hold a commission in the Army, he wished to say a few words on a subject which so deeply affected the interests of the officers. During the last week or two he had met officers holding commissions in various branches of the service, and scarcely one of them had omitted to remark that he hoped that Bill would come safely through the House of Commons. Officers, like other people, were liable to become impecunious, or hard up, not necessarily through their own fault, but from unavoidable circumstances, and the particular individual might be a first-rate officer, who had served his country well, and if he had the opportunity proposed by this Bill of exchanging, both parties would gain an advantage, and the service, so far from being prejudicially affected, might retain an able man, who would otherwise have had to sell his commission. On the other hand, circumstances might arise to render it absolutely necessary for an officer to return home; but how could he effect an exchange in a bad climate unless he could hold out some inducement? The Bill was not an attempt to re-introduce the purchase system, nor to compel officers to pay large sums of money on exchange whether they liked it or not. It was simply a Bill to permit payment of money on exchange; and a Bill that need not necessarily affect anyone, but only those who wished to take advantage of it.

GENERAL SIR GEORGE BALFOUR said, he felt bound to oppose the Bill, although he did not do it on party motives, but simply because he did not think it would be for the advantage of the service or the country that it should become law. The hon. and gallant Gentleman the Member for Brighton had referred to the discontent that existed in the Army, and without accepting that opinion as implying any serious amount of discontent, still no one who had been lately on the Continent could deny the necessity of having a contented and well-disciplined Army, for it could not be doubted that the clouds which at present hung over Europe would some of these days burst, and no one could say how we might be situated. It should therefore be the object of Parliament to maintain an efficient and contented Army for the defence of the country and of her foreign possessions, especially looking at the rapid progress which the Russians were making in the direction of India, where sooner or later we would come into collision with that Power, but that could be secured by very different arrangements from those proposed to be based on this Bill. Had the Royal Commission, on whose Report they were asked to legislate, restricted their inquiries to those measures relating to pecuniary allowances in view to the settlement of complaints of officers by money payments, then the Commissioners would have been within their terms of reference, or even, if as regarded the practice of exchanges, the Commissioners had extended their investigations so as to have had all the facts before them, he would have been the last to disrespect the decision at which they arrived; but they had not all the facts before them, and it was to be remembered that a previous Commission had gone in a directly opposite way in deciding that this practice of exchanges was a part of the Purchase system, and could only be destroyed by destroying the whole rights of Purchase; that had been done, and now they were asked to legalize that which must re-introduce Purchase. In his opinion, the principle of the measure was wrong; it was giving a statutory right to that which was only possible through military orders at the discretion of the military chiefs, and therefore he must necessarily oppose it. As far as he could see, only 50 or 60 officers

exchanged in the course of the year, and he could not, therefore, understand why the scheme for the abolition of purchase should be imperilled on such slight grounds. It was asked why the Opposition were opposing the Report of the Commission appointed while they were in power. It was because that Commission had not before it any witnesses who were not interested in the matter, for he could not regard the Commander-in-Chief and the Adjutant General as disinterested witnesses, and even those gentlemen who were called were not cross-examined. In this respect he must express his deep sorrow to see the neglect and indifference evinced by the War Office in not having some one to represent and protect the public interests in presence of the Commissioners. The representative of the officers (Sir Percy Herbert) had ably and successfully attended to the interests of the officers, but the War Office had failed to do so as regarded the public—even the Commissioners remarked on this omission. He thought it was a pity that this question was not settled when Purchase was abolished; but he could not forget the fact that the Duke of Wellington was opposed to exchanges, and that a favourite expression of his to all applicants for exchanges, when regiments were ordered abroad, was "Sell or sail." Beyond that, many of the most distinguished military authorities were opposed to exchanges except under circumstances of absolute necessity, and then on purely military considerations. He held that the pay of the officers of the Army was insufficient; but he did not think it was consistent with dignity, honour, discipline, or the finer feelings of men that the poorer officer should receive a pecuniary benefit at the expense of his wealthy brother officer. He considered the Government had no sufficient information to warrant them in bringing forward the Bill, and he thought the Secretary for War ought to have paused before he recommended the legalizing of a practice which must establish rights incompatible with that military authority which ought to exist over officers and men. There were two witnesses before the Commission who stated that exchanges were made by which officers gained large profits, and that fact showed that, whatever regulations were made, so long as the principle of paying money for exchange was

recognized, those outside the War Office could be able to obtain advantages over those inside the office. It had been found that no regulations that could be made in regard to Purchase could put an end to the payment of over-regulation prices, and consequently it was on that conviction that the entire abolition of Purchase had been decided on. The same result would follow were exchanges recognized, for these exchanges would be made, as of old, with a view to secure military advancement. If the Secretary of State for War had read the evidence taken by the Duke of Somerset's Committee in 1857, he would have found sufficient evidence in regard to this matter to induce him to pause before he attempted to legalize a practice so full of danger. The Duke of Cambridge gave evidence to the effect, that so long as exchanges were allowed, the evils of the Purchase system could not be abolished, and Lord Panmure, who was then Secretary for War, also objected strongly to exchanges, while General Simpson mentioned the fact that the whole of the officers of a particular regiment had applied for exchange rather than go on foreign service. He had at the time the abolition of Purchase was decided on strongly urged the then thorough rooting out of the practice, and as he then thought and wrote, so he continued to think and to urge that the Army organization scheme should be completed by the payment of the whole money down to the officers who had invested money in buying of rank; that arrangement would be infinitely better than allowing private bargains to go on, by which officers could earn money to make out their pay. In preference to that it would be better to increase the pay of the officers, in order that that means of gaining a subsistence might be rendered unnecessary. He admitted that economy could be practised in regard to the Army with advantage to the country and benefit to the officers, if they got rid of the wasteful extravagance which attended our Army administration. If the Government persisted in carrying this Bill, he earnestly hoped the right hon. Gentleman would be able to make such Amendments in the measure as would render it very harmless indeed; if money should be needed to carry out the Exchange Bill it should be public money, paid away to officers

in a regular manner through the War Office.

CAPTAIN MILNE-HOME said, he felt, in venturing to offer a few remarks on this question, more than the usual diffidence which every Member must experience, when he had the privilege of addressing the House for the first time. He was aware that as an officer on full pay serving under Her Majesty, the Bill, which he hoped would be read a second time that night, might benefit him, therefore it was one in which he might be said to be interested. In the corps, however, with which he had the honour to be connected, exchanges were almost unknown, and as an impartial Member of Parliament he wished to give his testimony in favour of what he believed would be best for the interests of the Army. He could not attempt to follow all the speeches he had heard from the Opposition Benches, still less could he follow the hon. Member for the Border Burghs (Mr. Trevelyan) through all the details into which he had entered. But he would notice one or two of the observations of the hon. Gentleman. It was not the fact that any officer, rich or poor, had ever refused to serve Her Majesty in whatever climate, or against any enemy, and, therefore, he thought the argument of the hon. Gentleman broke down most thoroughly. The hon. Gentleman said the Secretary of State for War must prove that 50 years hence the Army would be better if the Bill passed; but did the late Secretary of State for War prove to the House that the Army would be better 50 years hence for the abolition of Purchase. If this Bill was passed, sub-lieutenant Jones at Rangoon might take the place of sub-lieutenant Smith at Exeter, but if Smith's regiment were ordered to India next year, Jones would have to go there with it. The hon. and gallant Member opposite (Mr. Hayter) had remarked that we were beginning rather early to reverse a part of the policy of the late Government; but, surely, if it were right to reverse that policy, the sooner we set about it the better. Moreover, the hon. Member for the Border Burghs (Mr. Trevelyan) said—"If we permit officers to exchange, why should we not allow non-commissioned officers and privates to exchange also?" Well, he had no objection to that suggestion being carried out, if it were

feasible. It would, however, be all very well for a non-commissioned officer or private to receive a £5 note for coming from India to this country, though he doubted whether the non-commissioned officer or private who exchanged with him would be able to pay his travelling expenses. At present, it should be remembered, there were plenty of means for non-commissioned officers or privates to return home from India, for if the surgeon of the regiment certified that the climate disagreed with them, they either obtained a pension, or were sent back to the dépôt. The present Bill was a short one, and the whole of the argument in its favour lay in a nutshell. There was very little to be said for it, and he could not conceive how anything could be said against it, and he had entirely failed to discover in the speeches delivered on the other side of the House, any real argument against the Bill. Because it permitted money to be paid by a rich officer to a poor one, it had been alleged that the Bill was for the rich and not for the poor. He contended, however, that it was a law both for the rich man and for the poor man; but, first of all, for the poor man, because he need not exchange unless he desired to do so. The rich man might ask him, but he had the right to say "No." He would take the liberty of reading two extracts from the evidence adduced before the Commissioners. Adjutant-General Sir Richard Airey said—

"It [exchange] is of very great advantage to the service. Putting aside officers' convenience, the great question is the efficiency of the service, and I think it [viz., exchange, as it existed before the Warrant of 1871] a great advantage."

His Royal Highness the Duke of Cambridge said—

"No exchange took place without my authority, and if I did not consider it an advantage to the public service or just to the officers in each regiment concerned, I would not allow it. I never asked any question, of course, as to the money, but I judged of each case entirely on its merits."

That agreed with the recommendation of the Royal Commission which was, that exchanges ought only to be effected with the sanction of the authorities, and this was exactly what the Bill proposed, nothing more. To his (Captain Home's) great surprise, this had been regarded as a party question. He should have thought that everything connected with the Army was a national

question, and he trusted all hon. and gallant Gentlemen, whether they were serving, or had served the Queen, would assist the Government in carrying this excellent measure. He confessed he should like to see on the Table some other measures for the benefit of the Army, not only of the officers, but of the men; for he did not forget that the right hon. Gentleman the Secretary of State for War made a promise to the hon. and gallant Member for Galway (Captain Nolan) last summer, that he would take the case of the sergeants into his consideration. There was not a word about that or any other measure concerning the service in the Speech from the Throne; but he nevertheless hoped the House might hear more of such subjects during the present Session. Meanwhile, "half-a-loaf was better than none," and therefore he hoped that hon. Members generally would vote against those who wished to snatch from the Army this crumb of beneficent legislation.

MR. O'REILLY said, hon. Members on the Opposition side did not regard this as a party question. [*Murmurs.*] Well, he believed most hon. Gentlemen would concede that he and others on that side were as deeply interested as hon. Gentlemen opposite in the welfare of the service, and incapable of sacrificing the country to party ends; and if he did not think the measure would prove injurious to the interests of the service he should not oppose it. The point they had to consider was, what what would be the ultimate bearing of the measure on the efficiency of the British Army. As had been truly observed, he did not believe that any British officer would shrink from the dangers of the battle-field; but he knew that men shrank from service in unpleasant climates, where they might be exposed to distant and unhonourable wars; and rich men were therefore willing to hire poor men to expose their lives to these dangers. He was sorry to find also from the Blue Book, that one officer at least said that the price to be paid for hiring a substitute among officers varied not only according to the climate, but according to the prospect of war. Was that a feeling which it was desirable to encourage amongst the officers of their Army? The system of exchange, moreover, told hardly, in

Captain Milne-Home

many cases, against the poor and married officer. It should be remembered that there was no difficulty now in permitting exchanges for reasonable causes, or in paying the expense attendant on such exchanges, as appeared in the evidence given by Sir Richard Airey before the Commission. At present, a married officer in delicate health, or with a wife and children to whom the Indian climate might be death, could exchange when ordered abroad upon paying the expenses of the officer with whom he exchanged; but if the Bill passed, another class of officer could compete with him—the wealthy officer who was not married or delicate, but whose object it was to stay, and disport himself in his uniform in more agreeable society at home; and with such competition, the price would rise in the market, probably beyond the means of the poor invalid. The Bill would practically re-introduce the purchase system—the purchase not of steps, but of promotion, because a man would be able to purchase away the senior lieutenants above him. It would also lead to a separation of rich and poor officers in the linked battalions. Wealthy young men who liked to wear Her Majesty's uniform in ball-rooms and elsewhere would serve their whole time at home, paying handsomely for the privilege. Thus the home battalions would be composed of one class of men and the foreign battalions of another class; and in process of time the home battalions, so far as the officers were concerned, would be a favoured and a petted class. The result would be the introduction of the curse of the service—extravagant expenditure among the officers serving in England. He objected to the Bill on these and several other grounds which had been stated by hon. Members who had already spoken; and did not attach any weight to any of the arguments which had been advanced in its favour. It was said that if you did not allow these exchanges, wealthy officers would leave the service; but he suggested whether the service would suffer much harm by the loss of officers who merely joined it for the pleasure of appearing in their uniforms at balls and other entertainments. Then it was said that exchanges would never be sanctioned, if they interfered in the least with the good of the service; but he was at a loss to see how that interference with

the good of the service was always to be prevented. If you once allowed a man to buy a thing, you could not refuse him by-and-by the permission to sell it; it would be a hardship to expect him to forfeit to-morrow that which, with your consent, he paid £1,000 for to-day. We had been told that no officer had complained of the loss of exchange as a pecuniary loss; but on referring to the Blue Books he found that they did complain of it as a pecuniary loss. The right hon. Gentleman said that strict regulations would be issued; but he seemed to have greater confidence in the force of regulations than anybody who had studied the history of the service could have. As a rule, he (Mr. O'Reilly) did not believe in regulations; and unless the objections to an exchange were overwhelming, it would be allowed, probably in 99 cases out of 100, if the Bill became law. The right hon. Gentleman admitted that the system which he now asked the House to sanction was liable to abuse; but he intended to lay down stringent regulations on the subject. The House was entitled to know from the right hon. Gentleman before it passed the Bill what those regulations were, by which he proposed to neutralize the abuses which he himself admitted as likely to arise. He protested against the proposed scheme, and appealed to the common sense of the country against it, and, even if carried now, yet it would stand on record that the whole country had not been a party to the bargain, and the country would be appealed to again to say whether it was to be called on to purchase back the Army twice.

Mr. STANLEY hoped he might be able to remove some misapprehensions which hon. Members appeared to entertain with respect to the Bill. He wished to be allowed, in the first place, to remark that the dimensions of the debate seemed to have gone very much beyond both the scope of the Bill itself and what the situation would appear to warrant. On more than one occasion he had been somewhat reminded of arguments which had recurred again and again throughout the debates in 1871. Many of the arguments of his hon. Friend the Member for the Border Burghs (Mr. Trevelyan), and of those who followed on the same side, seemed to be directed not so much against ex-

changes as sanctioned by this Bill, as against the system of regimental exchanges altogether. It must be borne in mind, however, as had been repeatedly brought under the notice of the House, that though the Bill proposed somewhat to alter the system of regimental exchanges, they were already practised in the Army. Considerable differences of opinion on the subject of regimental exchanges were expressed in the course of the debates on the Army Regulation Bill in 1871. On the 31st of March, in answer to a Question put by Mr. Stapleton, then a Member of the House, Lord Cardwell said, there was no intention on the part of the Government to permit officers to give or receive money in exchanging from one regiment to another, or from or to half-pay; the Army Regulation Bill was meant to prohibit all pecuniary transactions in the Army. On the 22nd of May, when the Bill was in Committee, further discussion on the subject arose, and in answer to an Amendment moved by his hon. Friend the Member for North Wiltshire (Sir George Jenkinson), Lord Cardwell said, that there was every disposition on the part of the Government to consider the question with a view to make reasonable arrangements to facilitate exchanges in such cases as had been referred to; but they could not depart from the principle of not legalizing the payment of money by one officer to another as a consideration for the exchange. That showed a departure from the position deliberately taken up by Lord Cardwell in the beginning. In the course of the discussion in Committee there was a concurrence of testimony on the part of officers, that to prohibit money payments in all cases of exchange would be virtually to prohibit exchanges altogether. It was not necessary for him to take up the time of the House by recapitulating the very numerous items under which money payments for exchanges were sanctioned. In the course of the debate it seemed to have been gradually more and more assumed that exchanges would be effected on monetary, and not on military grounds. He could not, however, too emphatically repeat the declaration of his right hon. Friend the Secretary of State for War, that those exchanges would be governed by military considerations, and by military considerations alone. The Commander-

Mr. Stanley

in-Chief and his advisers would take care that such was the case. Some exception had been taken to the Bill, on the ground that it limited exchanges to officers only, and it was argued that it was a hardship that non-commissioned officers and men serving in an unhealthy climate should not also have leave to exchange. But so far as that objection was a good one, it applied with equal force to the arrangements which existed at present, and which related to officers alone. The fact was, that the position of officers serving in unhealthy climates was not precisely analogous to that of non-commissioned officers and men. Partly, however, by transfer from regiments—and his hon. and gallant Friend the Member for Brighton (General Shute) had told the House of such cases having occurred to his own knowledge—partly in consequence of the short-service system under which men now enlisted, and partly from the greater facility of invaliding, the practical effect had been to do for non-commissioned officers and men that which it was the object of the Bill to facilitate for officers. The hon. Member for Tewkesbury (Mr. W. E. Price) asked distinctly how far the abolition of purchase and the consequent restrictions upon exchanges had really affected them. The best information it was possible for him to obtain did not enable him to make an exact comparison. But it appeared that in the two years before the abolition of Purchase there had been 159 exchanges, while the full-pay regimental exchanges since then, which extended over a period of more than two years, had been only 97. That was sufficient to show that there had been an effectual check on the practice of full-pay regimental exchanges. Some hon. Members appeared to be under the impression that, having regard to something said in the Report of the Over-Regulation Payments Commission, the practice of exchanges must necessarily be considered in connection with the over-regulation payments. A considerable change had been effected since that Report was made. It was true at the time of the Report, as stated by the Commissioners, that if an officer of one regiment found he could not get from his junior the amount of money to which he considered himself, according to custom, fairly entitled, he might, and sometimes did, exchange into another

giment, with the view of obtaining there the sum he desired. But at the present time his position was different. He had gone before the Army Purchase Commissioners, and whatever money he received for his commission was received wholly regardless of any exchange, or any money which might have passed between him and another officer. What he got from them was the sum to which he had been entitled at the date of the Royal Warrant. As to what had been observed with regard to officers of linked battalions exchanging, he would observe that that system was based mainly upon the theory of having an equal number of battalions at home and abroad. But in a service like that of England, where there was a wide distance of sea to traverse, where transport arrangements had to be considered, and where, no doubt, troops had to be brought back, in some cases not from the best, but the nearest point, he must remind the House that the arrangements by which one battalion could be kept abroad and the other battalion at home, was liable at any moment to be disturbed by the exigency of a war suddenly arising, and he thought it was not too much to say that if a war were to arise, the changes necessary in sending battalions to the field would throw out the whole service for three or four years after the termination of the war. This was not an argument against the linked battalion system; but if he was to be told that by having one battalion at home and the other abroad, the result would be that the officers would not always have a choice of battalions into which to exchange, he preferred to be guided rather by practice than by theory. There was another point on which he wished to lay some stress—namely, that with regard to the Ordnance Corps, Artillery, and Engineers, although money had habitually passed for exchanges, yet the practice had never, in the slightest degree, led to officers being bought out under a system of exchange. Perhaps he might be allowed to anticipate an objection which might be raised as to exchanges between the different arms of the service. So far as he was aware, it had always been understood by those concerned that exchanges between the different arms—as, for example, the Cavalry and Infantry—were allowed in the lower ranks, but that in the case of

officers who had reached positions of command, they were not allowed unless there were circumstances which showed the requisite qualifications were possessed. It had been pointed out that the system of five years' tenure of posts of high rank would be an assimilation to the system which existed in regard to Staff appointments, and that as regarded the latter, no exchanges had been made, it being doubtful, indeed, whether they would be allowed. But, inasmuch as the higher posts were held to be posts of selection, it could not for a moment be supposed that an officer selected to command at one place might not be equally able to command a regiment at another place. Doubts had been expressed as to the possible failure of the regulations under which it was proposed to allow exchanges to be carried on. All that he could say on that point was, that the House had heard the Secretary of State declare, under his responsibility as a Minister, that it was his intention to take whatever step might be necessary for the complete enforcement of the regulations. He would not weary the House by an account of the forms which had been observed in carrying out the exchanges, or of the alterations which it might be necessary to make in them. But he thought the House might rest assured that the regulations would be sufficient for the purpose for which they were intended, and that the Secretary of State would see that they were properly carried out. He wished, before he sat down, to correct a misapprehension under which some hon. Members seemed to labour. It was stated that it would be possible under the Bill for an officer in the position of a captain and lieutenant-colonel to exchange with an officer commanding a regiment. That, however, was an error, because there was a Warrant which distinctly said that an exchange could be effected only when there was corresponding Army rank. He might, perhaps, be allowed to add a few words personal to himself. He was, he believed, the only Member of the Conservative Party who voted in favour of the Abolition of Purchase Clause proposed by the late Government, and if he thought the abolition of Purchase would be interfered with by the present Bill, he should not hesitate to make the greatest sacrifice which a young politician could make, rather than take

a course which would have that effect. It was, however, because he was satisfied there was no such danger, and because he wished to see a remedy provided for a grievance which the Commissioners regarded as a genuine grievance, that he was in favour of a proposal which would, he had no doubt, recommend itself to the country. He preferred, to use a common expression, an ounce of practice to a pound of theory, and, seeing there was a substantial cause of complaint, he desired to see it removed. By taking such a course, the House would be doing not only what was right in itself, but would be giving the officers of the Army the assurance that they might look to it with confidence for redress; and, entertaining those views, he gave the Bill his cordial support.

MR. LOWE: The hon. Financial Secretary to the War Office has told us, and the right hon. Gentleman the Secretary of State said the same thing—that he did not believe for a moment that this Bill would have the effect of bringing back Purchase in the Army. If it were a matter of the veracity and honour of those two hon. Gentlemen no assurance could be more satisfactory, and nothing more would be required. But weighed in the balance of probability, reason, and expediency, I must say, without any disrespect to those hon. Gentlemen, that I decline to accept their convictions in the place of the reasons and arguments which they failed to produce. The hon. Financial Secretary held out to us an inducement to pass the Bill, in the shape of an Order or Warrant which is to be issued; but the House must not look to the good intentions of the Government, but look at the measure itself as a piece of legislation. Warrants, we know, are things easily framed, recalled, and modified, and when modified, they will be sure to be modified in a manner to gratify the popular feeling for the time being prevalent in the Army. The question then comes back to this—what is the real nature of the proposal before us; and is it, or is it not, likely to promote the welfare of the Army and the good government of this country? The question before us has been, I think, a little lost sight of. The matter is very simple. In 1809, in the very crisis of a bloody and desperate war, and at, probably, the

darkest hour of that crisis, the Parliament of that time had the magnanimity to enact that any pecuniary dealings in reference to the purchase of commissions in the Army, should render the parties liable to be cashiered, and the brokers concerned in it to be punished for misdemeanour, and that, too, at a moment when, if ever, it was most necessary to offer every inducement to officers to enter the Army. But there was a clause introduced qualifying that enactment, to the effect that if the parties agreeing for an exchange did agree under such regulations as might be made by His Majesty, as to the sum to be paid, then they should be out of the operation of the Act. Now, the present Bill does not authorize exchanges for that is done already; it does not require the consent of a superior authority to the exchange, for that, too, is done already; it does not authorize the payment of such necessary expenses as may be required, in order to enable a poor officer to take advantage of his right to exchange, for that, also, is already done; but the whole object of the measure is simply to repeal so much of the Act of 1809 as renders it necessary that the payment made shall be in accordance with the Regulations made by Her Majesty. The effect of the Bill, in short, will be neither more nor less than to give an unlimited licence of paying and receiving whatever amount the parties to the transaction may choose. Is the House to repeal the Act passed in the middle of the French War, and thus enable officers to give and receive larger sums than ever were contemplated by the Legislature of that day they should pay and receive? That is the question before the House, and all the arguments, therefore, which have been urged in the course of the discussion, as to exchanges being good things in themselves are altogether beside the subject. Yet almost every speaker on the opposite side of the House has addressed himself to the single point—the point that exchanges cannot take place as often as is desirable, unless the power to pay and receive large sums is given. Hon. Gentlemen who are in favour of the Bill content themselves merely with showing that which nobody seeks to deny—the advantages of exchanges in a large Army, such as that which this country possesses. They assign no good reason

Mr. Stanley

why a policy which has prevailed among us since the time of Edward VI. should be overthrown, or an Act which was due to a noble public spirit should be repealed, in order to legalize unlimited payments between officers, the fact being entirely ignored that the exigencies of mankind drive them to make exchanges with each other without any such payments. If one man wants to stay at home and another desires to go to India, what necessity, I should like to know, is there to break down those barriers which now exist, in order to enable the one to pay, and the other to receive, a large sum of money? The arguments, then, which have been urged on the other side so far, in my opinion, from making out a case in favour of the Bill, go in a contrary direction. Being unable to find any arguments in support of concurring the unlimited power which it is sought to give in the discussion itself, I am obliged to look back to the source in which the Bill has its origin—the extrajudicial deliverance of the Commission, which made a proposal on a matter which, I contend, had never been referred to it, and which concerned the discipline of the Army, with which I think it would have been better not to have interfered. The Commissioners advance several arguments, one of which is a mere assertion. They say, in answer to apprehensions of a return to Purchase, “We don’t think so.” They argue, as was done in the case of Bellarmine—Bellarmine says this. Bellarmine is a liar. So now that we have confuted Bellarmine, we will proceed. Nothing sort of demonstration is so clear, as that what we are asked to do will ultimately set aside that which we had made so many sacrifices to attain—namely, the abolition of purchase. In the first place, they spoke of exchange and of the distinction between exchange and purchase, and they thought when they called the two things by different names, they had established a difference between them. But what is exchange? Exchange is the giving of one thing for another, neither of those things being money. Sale is the giving of money for some other article. Well, then, I ask, if I give a commission and money in exchange for a commission, why should we call that exchange more than sale? Money passes and a commodity passes. We choose to ignore the money

and to call the transaction exchange; but it is as open to me to call it sale, as to you to call it exchange. But when we come closer and look at the substance of the thing, we cannot doubt that whatever the evils are that are inherent in sale, they are just as much inherent in a transaction in which I give a commission and money, as if I gave the whole in money. What are the evils of sale? They are the haggling, the bargaining, the brokerage, as the Act somewhat cynically calls it—the watching the turn of the markets, the touters who try to find out who wants to sell and who to buy. These things degrade a noble profession down to the level of the lowest practices of the Stock Exchange. It is sought to deny that the element of sale enters into exchanges; but I contend that for all practical, for all moral purposes, they may just as well be called sales as exchanges. The House is, in fact, virtually asked to legalize sales. It is assumed that the sale of a commission for a consideration wholly consisting of money is conduct so disgraceful that no penalty can be too severe for it; but in respect of contracts which consist partly of sale and partly of something else, Parliament is called upon to repeal the wise policy on which it has acted, and to say that that will be a proper and a legal transaction. This is what we are asked to tell the Army—“Here are two things; if one is guilty, both are; if one is innocent, both are; but we desire you to consider the one to be innocent and the other to be guilty.” Can we believe the officers of the Army to be so simple as to follow the artificial line thus put before them, or to accept the monstrous proposition—that of two transactions absolutely identical in moral value, they should regard the one as innocent and the other as guilty, merely because Parliament says that it is so? It is manifest in respect of the two systems—the system of the sale of commissions veiled and coloured, and carried on under the form of exchanges, and the system of sale of commissions unveiled and open—that the prohibition of the one and the permission of the other cannot permanently go on together. The one must kill the other. Either the nobler element will prevail and put down the viler; or, what I fear as more probable, the viler will prevail, and be the means of breaking down the

nobler, and setting up in its place the exploded doctrine of Purchase. It is said—"Oh, but we will maintain our law of prohibition." Well, my humble experience shows me what is the value of a law of prohibition, when the interests and passions of mankind run counter to it. The most solemn obligations, the most binding oaths that could be administered to human creatures have been disobeyed, universally I might say, and that by men who probably on all other subjects are miracles and paragons of honour, chivalry, and virtue. With that lesson before us, we must remember that what we really have to trust is not so much laws and institutions as to the spirit we may infuse by them. If we break down the dislike for these transactions which we are trying to create and infuse into the Army, we shall, with it, really break down the only safeguard on which we can rely to prevent the return of those evils of which we hoped we had got rid. Therefore I look forward, notwithstanding the authoritative declaration of the Commissioners—"that they don't think so"—if this policy be carried out, with very great confidence to this—that it will break down the whole system we have been building up, and we shall, by having Purchase legalized in one case, have it legalized generally by a tacit understanding. Everything will then return to its own old state. That puts me in mind of the interview between the First Consul, Napoleon, and the celebrated traveller, Monsieur Volney. Napoleon said—"Well, you see, Monsieur Volney, everything returns to its old state." "Yes, First Consul," said M. Volney, "everything except the 3,000,000 Frenchmen who have died in order that these things might not return." So I say it will be in this case, if the Bill is forced, as it may be, through this House. Everything will return to its old state, except the £7,000,000, which in that case we have thrown away upon the abolition of Purchase. But the Commissioners argue that what is proposed ought to be done, because the Army wishes it. Well, I quite admit it is undesirable that we should disregard the wishes of the Army in this or any matter; but, at the same time, I entirely decline to say that we have arrived at a point when we should take the wishes of the Army as a guide in questions of right and wrong. The Army—and I say it with all respect—is

Mr. Lowe

like fire—a good servant, but a bad master. No doubt, the public opinion of the Prætorian Guards was entirely in favour of the selling of the Roman Empire, but I question very much whether posterity will ratify that verdict, and agreeable as it was to themselves in the first instance, it did not turn out entirely to their advantage, as they discovered when Severus decimated them. So, in the present instance, I apprehend we have better means of knowing and judging what is for the advantage of the public than the Army, and if we believe they take a mistaken view of what is for their good, it is our business and bounden duty to disregard any unpopularity, any clamour that may arise, and do fearlessly what we think is right. Then there is the other ground that has been urged, and that is with regard to India. It is said to be extremely convenient that exchanges should be made to India. That is perfectly true, and therefore provision has been made for exchanges. But that only illustrates this, that there are already such enormous conveniences prompting and pushing men towards these exchanges that there is no necessity for the additional stimulus of pecuniary inducements. In the letter that was read, a poor man in this country without a shilling is spoken of who has an excellent constitution and a desire to go to India, and on the other hand, we have a man in failing health in India, with a sickly wife and family, anxious to return. Does the House think that an exchange could not be managed between those men without the intervention of a pecuniary consideration? Where things will move naturally there is no need to accelerate their motion. It is only where they will not move that such a step is at all justifiable. Then there is the last and most striking assertion of all, of which I will speak lightly, for the admirable speech of my hon. Friend the Member for the Border Burghs (Mr. Trevelyan) has really covered the whole ground—namely, that the proposal is for the good of the service. But will it prove to be so? I must be permitted to say that it does appear to me that hardly anything can corrupt our soldiers and officers. The material out of which they are made is so good that they are proof against trials and temptations which would be the ruin of any other set of

in the world. If I wanted to devise a scheme utterly demoralizing to the Army, disgracing officers in the sight of their men, and making the men turbulent, discontented, and disobedient, I could not imagine any scheme better than that which is exhibited when a regiment goes to India. What I understand takes place is this. The thing is generally foreseen by gentlemen of good connections with friends in high circles; they have generally long intimation before the event takes place; they take their measures accordingly, and they gradually deliver themselves from the aspect of going to a horrid foreign fate. As Nym and Bardolph said of the bridge in Henry V., "The humour is too hot"—and they do not choose to go to India. Then there are gentlemen of a lower grade of society who are not so well informed; they have little time to take these preliminary steps, and, of course, they go to India. But bringing money in their pockets it is wonderful with what facility they return to England. Thus the spectacle is presented to the soldiers in India of officers by whom they have been drilled, to whom they have become attached, and because of the change of climate bringing them in the lurch, some of them liberately beforehand and others almost as soon as they have got to their destination, one by one, at a time most trying to the soldier, when he has got to undergo all the things to him most new and strange—heat, insects, and so on. The soldier is, in fact, deserted by all who should support him and handed over to strangers of whom he knows nothing. Is that the way in which we are to promote the good of the service? Is that the way in which you are to bind your officers and men together? And if, by reason of the extraordinary hardness of the material, it does not remove all the evil effects which it may have, can we shut our eyes to the necessary consequences of such things? And it leads me to one other consideration which is in my eyes higher than all, and which I can speak more freely, as it is not purely technical, and that is this. Mischievous as is this system—great as is the waste of money—great as is the injury it is calculated to produce on the service—I look upon all these things as being slight in comparison with the mischief of the principle you are about to es-

tablish. I would not struggle so strongly against it as I do, were I not satisfied of the evil it will work. Government in their didactic capacity are poor, very poor, teachers. How often is the Proclamation against Vice and Immorality read, but did it ever prevent a person from stealing a sixpence, or is any one the better for it in any way. When the Government go forth to tell people what they should do, they are like Wisdom "lifting up her voice in the streets"—no man regards them. But, on the other hand, let the Government, with all the power it wields, and the influence it can command, uphold any unsound or mischievous principle, and mark what then becomes of it. There is nothing unsound or mischievous which a Government cannot plant among its people and root strongly, provided it sets itself deliberately to do so. In the reign of Edward VI., people did not know how to read and write, they were not so enlightened as they are now. People were burnt at the stake; they used torture freely; persons were hung, drawn, and quartered for very slight offences; slavery was in existence; they did not know whether the earth went round the sun or the sun round the earth. But they knew and recognized one thing, and that was, that the sale of a public office was a gross outrage against public morality. They knew one thing, which many of us have forgotten, and that was, that a public office ought to be held for behoof of the public; that it was not a property, but a trust and a duty; that it was not an object by which a man was to make money; that it was not, in fact, a thing to be bought and sold; but was a much higher and holier thing, a thing not to be held for the sake of the man in office, but for the good of those for whom the office was held. These simple, half-barbarous men understood nothing but this—that if a public office was a property, then sell it; but if it was a duty, then do it. And so it will be found, that in the reign of Edward VI., while they permitted the sale of a freehold office, because it was a property, they distinguished it altogether from an office of trust or an office of a judicial character. That statute does not touch the present question, because a standing Army, as we have it now, did not then exist; but nobody can doubt that it would have touched it, if

such an Army had existed. That statute has remained unrepealed from that time to the present; and so good is it thought that, as I have said, in the year 1809, when we were in the agony of our war with Napoleon, so far from breaking down the rule in order to attract rich men into the service, Parliament took the opportunity of extending that rule, which we are now asked to take away. That has been our conduct up to this time; and now, in the fulness of our wealth and prosperity, when there is no difficulty of getting any number of officers, we are asked, at this time of day, under the cynical name of "brokerage" to repeal these Acts. Why, Sir, I abhor the name of brokerage. As far as I know it has been a term of the vilest abuse, and I should have thought it would have been the very last name adopted in any Act of Parliament for a practice which Parliament considers should be respected. I remember Junius said of the Duke of Grafton, when he wished to lower his character, that, "he had degraded his position down to being a broker of commissions." Now, Sir, that is the very object of this Bill. We are to do away with the Acts which prevent the brokerage of exchange. Honest Troilus in Shakespeare, shall speak for me in his own plain language—

"Hence, broker, lackey! ignomy and shame,
Pursue thy life, and live aye with thy name."

And that is the actual term that the House will be expected to use in an Act which it may, and very likely will, adopt. But does the House think that they can do that without doing enormous mischief? What I urge upon the House with regard to the impossibility of working, side by side, a system of absolute purity in regard to the sale of commissions, and absolute venality in the matter of exchanges, may be urged with even greater force when we speak of the rest of the community. What is the feeling of mankind, what would be the feeling of the right hon. Gentleman the Secretary for War himself, or of the First Lord of the Admiralty? Suppose there are two clerks in either of their offices who come to what is called a question of pecuniary inducement for exchange. Suppose that one is to give the other—say, £100—to exchange places, and suppose—I do not put it offensively—the right hon. gentleman consents to that proposal, and it

Mr. Lowe

comes to the knowledge of the House. What would the House say to it, or what would become of the right hon. Gentleman? How long would he be at the head of the War Office or Admiralty, or how long would the clerks be allowed to remain in their offices? Suppose two Judges—one Judge A in the Court of Common Pleas, and Judge B in the Queen's Bench, who is overworked. Suppose Judge B giving Judge A £2,000 for an exchange of offices, and the Lord Chancellor giving his consent to the transaction—how long would they remain Judges, or how long would he be Lord Chancellor after it came to the knowledge of the House? I would ask in all seriousness, whether we should not resent it as the greatest insult that could be offered to us, if it could be supposed for a moment that we could enter upon such a transaction ourselves, or sanction them in any of those over whom we have jurisdiction? I want to know what the Army has done that they should be placed on a lower moral level than anyone else? I have heard that "What in the captain is a choleric word, is in the soldier flat blasphemy;" but I never heard before that what would be in the right hon. Gentleman or any other Minister a gross piece of corruption, which would cover him with ignominy, is to be tolerated in another Department. If that public office is venial, why let us make a good thing of it and put up all the offices of the State for sale by auction. We may in that way save all the salaries, because the *employés* would pay themselves by robbing the public. If, however, we are not prepared to adopt that principle, and if we adhere to the idea of Edward VI.'s time—that it was not right that offices should be sold as property, and that they are held for the good of the State, let us not throw our noble Army the disgrace of being subject to the infamy of practices which we would not allow to be done by ourselves in other Departments. I have now done. I have endeavoured as far as I can to raise this question out of mere military technicality to one of morality and public spirit. It is no doubt a ridiculous thing that, in this age, any one should think of anything being unfit to be bought or sold. It may be thought romantic and unbusinesslike that any such doctrine should be broached, but I hold it nevertheless; and I venture

believe, and I assert it, notwithstanding all the ridicule that it may bring down upon me, that there are, at least, three things which ought not to be bought or sold: one is the virtue of a man, another is the integrity of a tradesman, and the third is the honour of a soldier.

MR. HUNT said, that after the animated oration they had just heard, the remarks he had to offer would, he feared, appear to be very tame and flat, because he should have to represent the "vile," while the right hon. Gentleman the Member for the University of London (Mr. Lowe) claimed to represent the "noble" element in this question. He must ask the House, in other words, to come down from the clouds to a little nearer the earth, and, to allow him to ask whether the Bill was the atrocious measure referred to in the glowing periods of the right hon. Gentleman. He did not like to throw himself like an armed advocate into the contest—not that he was not in favour of the present Bill, but because he had taken up a very responsible position as one of the Commissioners to inquire into this matter, and the feeling he had when he sat with Lord Justice James and Lord Penzance was altogether one of judicial responsibility. That feeling still pervaded his mind, and he might therefore seem perhaps to speak with some coldness on this matter. The hon. Member for the Border Burghs (Mr. Trevelyan) had the right to disparage the authority of the present Commission by referring to a previous Commission which had sat on this subject. The hon. Member read a sentence from the Report of the Over-regulation Price Commission, and he asked the House whether it could trust the opinions of Gentlemen who had uttered an utterance to such sentiments?

MR. G. O. TREVELYAN said, he had not made any reflections upon the Commission of Sir George Grey. He agreed, on the contrary, with every single word of the message he had read; but he contended that it was incompatible with the Report of the Commission of 1874, on which the present Bill was based.

MR. HUNT was glad to accept the correction. He (Mr. Hunt) had understood the hon. Gentleman to point to that sentence as incapacitating those who were parties to it, and he was very glad to find that the hon. Gentleman

did not entertain that view. All he could say was, that the Report of that Commission was framed by Sir George Grey, whose name could never be mentioned in that House without respect, and it was signed by all the Commissioners. With regard to the Commission on Officers' Grievances, he (Mr. Hunt) was told by Lord Cardwell, when he asked him to become a Member of it, that it was in the nature of a judicial Commission, and it was in a judicial spirit, that in concert with his Colleagues he entered upon his labours. What was it their duty to do? To be guided by the evidence, and it was on the evidence contained in the book in which was to be found the Report, that he rested the case for this Bill. They had been told that they only heard evidence upon one side, and that if the witnesses had been cross-examined, a very different state of things would have been made out. Well, though no person was present to cross-examine the witnesses in a hostile sense, he thought he might say the witnesses were cross-examined very severely by the Commissioners themselves. It was said that the Commissioners assented to everything that was brought forward by *ex parte* witnesses. Those who made that charge he thought had not very well studied the evidence together with the Report. What was the fact? That the Commissioners rejected a great many of the claims that were brought forward by officers. The claims of a large class of officers were set aside by the Commissioners, the class of officers in whose favour it was said this Bill was introduced—namely, the more wealthy class of officers, because they repudiated the claims of the Foot Guards and of the Household Troops, and said they had no case on which they could stand. And yet the House was told the Commissioners only had *ex parte* evidence before them, and, therefore, their judgment was not to be regarded as worth anything. He regretted, exceedingly, that one of his Colleagues on the Commission was not at present addressing the House. He regretted that the Commission had not an abler representative than himself. The House had been told by the hon. Member for the Border Burghs, and by the right hon. Gentleman who had just sat down, that this was an extra-judicial decision of the Commissioners with regard to the intro-

duction of exchanges. He (Mr. Hunt) maintained it was not, and he might, therefore, inform the House how the Commissioners dealt with the matter. They had to consider the grievances which the officers alleged in their memorial, and whether any compensation, and what compensation, was due to them. Well, the Commissioners were convinced, at an early stage of the inquiry, that the officers had made out a case of grievance by reason of the abolition of the old power of exchange, and that it was their duty, of course, to consider whether any compensation should be awarded on account of that. Then, in looking at this question, they said—"But is this question of exchanges necessarily involved in the abolition of Purchase? Does the principle which governs the Warrant abolishing Purchase really affect the question of exchanges?" And he believed they could hardly deal with the whole subject without considering that particular question. He could say this for himself, that he had no yearning for a restoration of Purchase. He never thought that Purchase in the Army could be advantageous in principle. He certainly thought at the time—and he thought now—that the abolition of Purchase would entail an immense burden on the country. He never thought that abolition should be achieved at the expense of the officers instead of at the expense of the country; and he believed that when the ultimate result of the abolition of Purchase was known, the predictions of those who took that line of argument would be fully maintained. Apart from that, he said, he had no affection at all for the system of Purchase. He was quite sure his Colleagues on the Commission entertained the same views as himself on that subject. As he said just now, the Commissioners had to look at the evidence, and he denied that it was exclusively *ex parte* evidence. Though there was no one to represent the Government before the Commission, the Commissioners called all the most experienced persons in the administration of the Army before them. They had before them the Commander-in-Chief, the Adjutant General, and the Military Secretary. He would not trouble the House with reading their evidence, because it had been quoted from very largely. They agreed that

Mr. Hunt

the old system of exchange was beneficial to the service as well as beneficial to individuals. Well, the House had been told to-night that this was a measure in favour of the rich man and against the poor man, and descriptions had been given of the hardships the poor man would endure if this measure were allowed to pass. That was not at all the impression he had derived from the evidence that was given before the Commission, not only with regard to the question of exchanges, but with regard to the question of the abolition of Purchase. It had been proved, he thought, abundantly, that those who were likely to suffer most were the poor officers of the Army in the case of the abolition of Purchase. It was proved with regard to exchange that the poor officer would suffer equally with the rich as long as the Regulations of the Warrant were adhered to. He thought there were one or two passages that bore on this question in the evidence that had not been referred to by hon. Gentlemen. At all events, while he had been in the House he had not heard them quoted, and he hoped the House would allow him to read them. An officer in the 78th Highlanders, in answering Question 994, said—

"The practical prohibition of the payment of money for exchanges has also acted injuriously on officers and on the service in general. Men, rich and poor alike, were benefited by the system, as while the former were able to seek the climates best suited to their health, the latter profited largely in pocket. I myself, having had a severe fever in India, after the Mutiny campaign, was able to exchange to my present regiment by the payment of £650, and yet I have remained in the service, and I hardly know an instance where an officer has exchanged and has not continued soldiering for a reasonable time. It was only the other day that one of our very best subalterns sold out simply because he could not exchange. If he had been allowed to go to India, he could have lived upon the Indian pay; but he has now gone into a foreign service. He is a very great loss to the regiment."

Well, the House was told that there was no one to cross-examine in favour of Lord Cardwell's Warrant. This question was put to two witnesses—"What possible advantage could accrue to the State by allowing exchanges?" The answer of a Major of Carbineers was—

"There is a possibility of the State reaping advantage by allowing exchanges in this way

retain the service of an efficient officer if health is restored by exchanging to England. the prohibition of exchanges there is a possible advantage to the State in a pecuniary point of view, by the officer remaining and living in an unhealthy climate, whereby the State would become benefited by the money which he had paid for his steps."

My right hon. Friend, in his opening speech, alluded to the evidence of Mr. O'Dowd, one of the Purchase Commissioners. He was sure that gentleman could by no means be regarded as an *ex parte* witness in favour of the views of the officers, and he stated his opinion most unhesitatingly on the subject; the question was put to Mr. O'Dowd—

Supposing that the power of exchange was restored, do you think that it would be liable to be abused under the present non-purchase system?—So far as the public are concerned, no; so far as individuals are concerned, I would not say no, with sharpness on the part of the authorities. You mean with ordinary vigilance on the part of the authorities?—Yes."

What was the evidence of a person who (Mr. Hunt) thought could not be regarded as prejudiced in favour of the views taken by himself and his right hon. Friend on this occasion. He regarded Mr. O'Dowd as a most impartial witness; he was a man entirely acquainted with the subject, he being one of the Commissioners to carry out the arrangements consequent upon the Warrant of Lord Cardwell. The hon. Member for the Border Burghs had drawn a picture of what the state of things would be if this Bill passed. He supposed a wealthy officer would by selling money for exchanges get men in his regiment to make way for him, and that thereby he would obtain promotion. Well, the argument would be perfectly legitimate if it was a Bill to allow unlimited exchange, without any regulations. The War Office, however, would cause an inquiry and put a stop to the abuse of the practice. Then the hon. gallant Gentleman the Member for Bedford (Mr. O'Reilly) drew a picture of the state of things after the Bill passed, and compared what prospects a healthy man would have as compared with the prospects of a poor man with regard to his chance of promotion and chance of being required to go to an unhealthy climate. But he (Mr. Hunt) wanted to know whether that state of things ever occurred before the

Warrant of Lord Cardwell was enacted? The suffering of which the hon. and gallant Gentleman drew a picture was to a very great extent the product of his imagination. Then he (Mr. Hunt) had been asked what would be the state of things if the captain of one ship were able to exchange with the captain of another ship. All he could say was, that the case of a ship and the case of a regiment stood on a wholly different footing. A ship was commissioned for three or four years, and a regiment was going on continuously. Upon a ship the officers could not have their families with them, whilst the families were often with officers in the Army. If he was appointing two officers to ships in different parts of the world, and he found that the climate of one was more suitable for the other, he would be willing to consult their convenience. [Mr. CAMPBELL - BANNERMAN: For money.] He did not say for money. He had pointed out the difference between a captain of a ship and an officer of a regiment; and, in regard to the latter, there were many circumstances to be considered that did not exist in the case of the former, and therefore the interposition of the hon. Gentleman did not affect his argument. With regard to the health of officers, it was the commonest thing in the world for an officer to represent to the Admiralty that service in a particular climate would be detrimental to his health, and he always felt they were bound to consider the health of their officers. He had been challenged on that point, and therefore he had thought it his duty to notice it. Looking to the whole question—having regard to the evidence laid before the Commission, and after hearing all the arguments which had been advanced in the debate—he adhered to the opinion expressed by the Commission, that these exchanges would be for the benefit of poor and rich officers, "and would probably be beneficial, and certainly not detrimental, to the service." He had heard nothing that evening to shake his opinion as to the soundness of the views expressed by the Commission, and he hoped the House would maintain those views by passing the measure introduced by his right hon. Friend.

MR. CAMPBELL - BANNERMAN said, he regretted extremely that the right hon. Gentleman the Secretary of

State for War had thought it necessary to bring in this Bill. Speaking on the part of the War Department under the late Administration, he was glad to acknowledge that, judging from the Estimates laid upon the Table, and from the usual sources of information, they had no reason in the main to complain of the manner in which the right hon. Gentleman had carried on the policy of his Predecessor. The right hon. Gentleman had, he believed, impartially inquired into the many disputed and vexed questions involved in the recent changes with regard to the re-organization of the Army, and had satisfied himself of the wisdom of giving the policy of the late Government at least a fair and adequate trial. It was, therefore, in no carping or jealous spirit that he (Mr. Campbell-Bannerman) had considered the Bill now before the House, and if it were nothing more than a reversal of something the late Government had done, he, for one, should not have been there to oppose it. The Act of 1871 and the abolition of Purchase generally touched such a variety of interests that it was difficult to foresee with precision how all those interests would be affected; and if it could be proved that any portion of the scheme worked injuriously to the Army, and if some remedy had been proposed which left the main principle of that measure unimpaired, and which would be followed by no evil results, he should have been only too happy to support the right hon. Gentleman. But, having considered the Bill, he came to the conclusion that it was entirely uncalled for, that it would work evil in the Army, and what was of greater importance still, that it would introduce for the first time, a most injurious and mischievous principle into the public service of the country. The reason he said the Bill had been uncalled for, was this—there had been a great mistake underlying the whole of the present debate, because it had been treated as if this was a Bill to introduce exchanges, whereas they did not require to be introduced, as they already existed. But the real question was, whether exchanges should take place for money payments. At present, if an officer was desirous of exchanging, he applied to the Military Secretary through his commanding officer, and if there was no disciplinary objection to the exchange, leave was given for it, the

officer making a declaration on his honour that no money had passed either directly or indirectly, beyond the necessary expenses, a schedule of which had been delivered at the time of application, and the only thing which the Bill did was to do away with this declaration, and introduce the practice of one officer paying money to another officer. That he considered to be a vicious principle. It was, in effect, a Bill to introduce this system—to invest the occupants of certain offices under the Crown with the right, under the express sanction of Parliament, to traffic in those offices, and deliberately to invite them, on the one hand to avoid, on payment of money, the discharge of unpleasant duty which it had come to their turn to discharge, or, on the other hand, to make gain by undertaking something which the public service did not require them to undertake. He did not know which of these objects was the more objectionable. But not one tittle of evidence had been shown that the introduction of such a principle was necessary. The exchanges which existed were quite adequate for the public service. In a Return in the Appendix to the Report of the Royal Commission, there was shown the number of exchanges in the Army between 1861 and 1870, and in 1872 and 1873. He found that the number of exchanges which took place to and from regiments of the Line in the 10 years from 1861 to 1870 were 904, or an average of 90 each year, and a large proportion of those exchanges were intimately connected with the Purchase system—officers exchanging from one regiment to another in order to buy promotion cheaper or to obtain higher over-regulation prices. He believed it was a small computation to conclude that half of those exchanges were directly due to that cause, so that we were left with a residue of 45 exchanges per annum due to those reasonable causes connected with climate and personal convenience before the abolition of Purchase. It must be observed also that about the time of the abolition of Purchase something occurred which had greatly affected the question, because the troops which were before scattered all over the globe were concentrated in this country, and therefore the legitimate reason for exchanges on the ground of climate and personal convenience was greatly reduced, and yet, in

Mr. Campbell-Bannerman

the two years 1872 and 1873, he found that in the Infantry alone 99 exchanges had taken place, or 50 in each year, so that the number since was equal to the number that occurred before. Therefore, he called upon the Government to state some better ground than they had yet stated for the necessity of introducing this measure in the interest of the public service. But so far as the Royal Commissioners were concerned, they did not put it on that ground. They said that the prohibition of paying and receiving money for exchanges was a serious hardship to some officers and a serious loss to others." It was quite true that they afterwards said the exchange itself was "an unmixed benefit to both, and certainly not detrimental to the service." He quite agreed with them. The late Government did not object to exchanges, and they had never done so, nor was it on these benches that were to be found the rigid devotees of the regimental system, and of strictly continuous service in one regiment throughout an officer's career:—what they did object to was, exchanging for money. That the Commissioners should have to come to the conclusion they did was not altogether surprising, if they rested entirely upon the evidence given before them. It was an inquiry into pecuniary grievances, and therefore it was quite natural that the witnesses should dwell upon the pecuniary aspect of the question. He would read some few extracts from the evidence of officers, but he must not be understood as blaming the officers themselves, for they had grown up under the system, and this was one of the incidents of that system for which they were not to blame. One officer complained that "no pecuniary advantage was now derived from exchanging;" another that he "was unable to obtain the money he would otherwise have obtained;" and another that an immense loss had been incurred by officers by the prohibition of money exchanges—that there used to be a "market price" of exchanges, and that poor men were obliged to watch the market." He estimated his own power of exchanging as lieutenant-colonel at £800 to £1,000; and he contemplated a case in which an officer might effect an exchange in each rank up to lieutenant-colonel, receiving as lieutenant £300, as captain £500, as major £600, and as

lieutenant-colonel £800, or £2,200 in all. He stated further that he himself received as captain £100 and his passage, "but then," he added, "I got Indian pay and immediately saved a lot of money." That was very much what would be the pecuniary effect of the existing rule. Then there was an instance of an officer in a Cavalry regiment who entered the service as a poor man. He got money for exchanging to India equal to the amount he paid for his commission as lieutenant. He complained that a vacancy as major occurred in his regiment which he could have purchased if he could have exchanged to India—he could have raised £2,500 by an exchange to India: and on being asked how he would have done it, he said, "I should have gone to Cox and Co., and said—Find me an exchange to India." Now, that evidence clearly pointed to the close relation between money exchanges and the purchase system. Indeed, the right hon. and gallant Member for Shropshire (Sir Percy Herbert), the cause of whose absence from that House they all deplored, and who acted as *procureur général* for the Purchase officers before the Royal Commission, expressly put the matter on this ground. He said—

"It was open to an officer previously to that regulation being passed, and previously to the passing of the Warrant, to receive a considerable sum for an exchange, and thereby if he was a poor man to obtain the means either of purchasing his promotion at a future time or of repaying money which he had borrowed in order to purchase his promotion."

From all this, he (Mr. Campbell-Bannerman) maintained that there was an intimate connection between exchanges for money and the Purchase system—that the former were, in fact, an appanage and outcome of the latter. In the evidence given before Sir George Grey's Commission, an officer stated that the £2,000 he got for exchanging was precisely the difference between the selling value of his commission in England and its selling value in India. Money passing for exchanges might be a very good thing as long as they compelled officers to buy promotion, because they thereby furnished them with the means of recouping the money they had spent; but now that commissions were not bought there was no necessity for re-introducing the system of exchanging for money. A good deal had been said about the con-

venience of the officers, and that the system helped to put money in the poorer officers' pockets. No doubt, the Army had to serve in unhealthy climates and in unpleasant places, and reasonable facilities should be given for an officer coming home, if another could be found to go out; but that should be done at the public expense. If necessary, let the pay of officers on those stations be increased, or some other mode of overcoming the difficulty be adopted; but let them not attempt to meet a public convenience by introducing a mischievous principle. As to the case quoted of the officer in the 78th Highlanders, had he gone to India instead of entering a foreign service, it would have been more advantageous to him, and he would have been placed, in a pecuniary point of view, in a better position. There was absolutely nothing to prevent his doing so, for there was no difficulty in exchanging to India without any money bonus. At present, if a rich or a poor man wished to go out to foreign service, there was nothing to prevent him from doing so. There was no difficulty in finding an exchange to India: there was always some one who was willing to come home. There sometimes might be a difficulty in finding an officer to go out to replace one in other stations such as China, but if the latter was a rich man, he had, at least, the means of mitigating the severities of the climate by surrounding himself with luxuries; while as to the poor officer, whom they were told the Bill would benefit, if he wanted to come home with a sick wife and family, the Bill would impose on him a very heavy burden, for in addition to anything he had to pay at present he would have to give a large bonus to his *remplaçant*. The effect, in fact, would be, so far as the poorer officers were concerned, that the poor officer at home might by going abroad put money in his pocket in a way that was not desirable, while the poor officer serving abroad would be absolutely shut out from all hope of exchanging to this country. The right hon. Gentleman had said that money passed at present, and it was true, but under this Bill there would be all the difference in the world, not, perhaps, always in the sum which passed in the case of exchanges, but in the effect on the tone of mind of the officers, as compared with the present practice. The

officers must regard the matter in a different light when the money they received was the actual expense incurred, and when a *douceur* went into the pocket of the one at the cost of the other. Then it was said that the system of exchange increased promotion, but this was not the case. If two captains exchanged and went to the bottom of the list in their new regiments, no doubt those below them gained each a step; but the exchanging officer's loss was precisely equal to the other's gain, and the sum of promotion remained the same. And he would like to know how, in a case where a pecuniary transaction between two officers benefited other officers, the right hon. Gentleman proposed to guard against those other officers sharing in the transaction. He did not say that all the evils of Purchase would come in with this system; but he much feared that the difference would merely be this, that whereas formerly the rich man paid money and went before his poorer senior, now the poor man would receive money, and go behind his richer junior. The question ought not, however, to be looked at simply as an Army question, but as one affecting the general public service. That was the first time in the history of this country that Parliament had been asked to legalize that principle. In 1809, no doubt, an Act was passed recognizing the regulation prices of commissions—the system then in existence; but if Parliament had done away with them, it would have had to compensate the officers for them, and surely 1809 was of all years the one in which that was least likely to have occurred? But to recognize an existing system under those circumstances was one thing, and deliberately to set it up when they had a *tabula rasa* was quite another. The evils attending the traffic in offices had been well known in past times; Parliament, in its wisdom, had raised barriers against them; and the present House was asked to pull these barriers down, and to renounce the principle which hitherto had governed the public service of England, Naval, Military, and Civil—the principle that men entered the service not that the poor man might make gain, nor that the rich man might indulge his fancy, but in order that rich and poor alike might do their duty.

Mr. Campbell-Bannerman

MR. GATHORNE HARDY: I will not, on this occasion, enter into the discussion which has been raised by the hon. Gentleman who has just spoken with respect to other matters connected with the Army than that which is dealt with by the Bill, as there will be other opportunities for referring to them. I must, however, say one thing, and that is, that I agree most heartily with what has been stated by the hon. and gallant General opposite the Member for Kincardineshire (Sir George Balfour), who said that whatever might be the opinion of the House about Purchase, it is a hardship that the question was not settled at one time. The gallant General sees not only the difficulties which at present exist in connection with the subject, but those also which I am afraid threaten the House with more discussions in the future. The hon. Gentleman who has just sat down asks how we are to prevent men from making exchanges with a view of getting promotion through them. Now, I should like to know how the Government of which he was a Member prevented an officer who wanted promotion from giving money for it? They did it by means of regulations of the strictest character and of a declaration; and I am not sure that that declaration, in which a man says he will pay nothing directly or indirectly for the purposes of promotion, would not cover the point which he has raised, and I cannot see the object of putting into the heads of officers that which they have on no previous occasion been known to do. But the hon. Gentleman (Mr. Campbell-Bannerman) went on to say that during the last two years, under the present system, exchanges have been as numerous as before. I, however, entirely dispute the accuracy of his figures. I hold in my hand a Return which shows that for the two years previous to the abolition of Purchase there were 159 regimental exchanges, and in the two following only 97. But even if the hon. Gentleman's figures were correct, they would only prove that there are as many exchanges under the present system as under the old, which is that which I wish to revive. I dispute the hon. Gentleman's facts; but if true, they furnish a complete answer to those who set up a very different theory—namely, that exchanges under the Bill would indefinitely increase, whereas, according to the

hon. Gentleman, under the former illegal system, to be legally revived, they did not outnumber those under the present. Well, my right hon. Friend the Member for the University of London, in his very humorous and amusing speech, accuses us of dealing with our opponents as was done in the case of Bellarmine. He says—"You merely tell us such and such consequences will not follow the passing of this Bill, but we say they will." Surely we have as much right to make a contrary assertion, and he has given no better answer. With respect to the patriotic Act of George III., on which my right hon. Friend dwelt with so muchunction, I must inform him that that part of it which relates to exchanges was never put into operation from that day to this, and when he tells us that regulations may be altered and set aside, I would remind him that the whole groundwork on which the abolition of Purchase stands, consists of Warrants and Regulations. There is no Act of Parliament abolishing it. It has been abolished by Warrant, and could I but obtain the sanction for such a step of my Colleagues, which, however, I have not the slightest intention of asking, it might be revived to-morrow. But it is said that if we allow men to pay money for the purpose of making exchanges, we shall not be able to deal freely with them as officers of the Army. Now one of the main reasons for introducing this Bill is, that we may have authority over them absolutely and without control. The War Office, I contend, ought not to be driven to estimate these expenses in the manner in which they have to be estimated and to say how much should be paid in such an instance, according to the number of servants or children connected with any officer. But as regards the question of control, I think I may venture to appeal to an hon. and gallant Officer who now sits in this House to say that he himself made an exchange—I believe he was the payer of the money on the occasion—and that he was called upon at the time to go out to India without any regard to what he had done, and that he and the officer with whom he exchanged went out together in the same vessel; and that is the way in which the system ought to be worked. Every officer should be at our disposal no matter what arrangement he may have entered into with

another. I may also observe that no claim for money paid in connection with exchanges has been made to the Army Purchase Commissioners, or to anyone else, although the poorer officers complained that for the future they were to be debarred from receiving the advantages which a system of exchanges conferred. In conclusion, I must express the hope that this Bill will receive fair consideration. I utterly deny that there is any ground for those imaginary consequences which some hon. Gentlemen predict as the result of its passing into law. Their predictions are entirely contradicted by that which happened with regard to exchanges under the old system. I do not believe the evils which they so much apprehend will arise under the new. I submit this measure to the House with the utmost confidence that with the exercise of proper care on the part of the military authorities, it cannot do any of the harm which it has been said it will effect.

SIR HENRY HAVELOCK said, a good deal had been said on this subject; but, in his opinion, a great deal more remained to be said. This Bill dealt with a most vital subject, and as there were points which had been as yet unreferred to, which he and others whose sentiments he spoke wished to urge, he should move the adjournment of the debate.

MR. DODDS seconded the Motion.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 (*Sir Henry Havelock.*)

MR. DISRAELI: I regret that the hon. and gallant Gentleman has made this Motion. The Bill has been amply, and I will add ably, discussed; the debate has been sustained to-night by both sides with considerable ability; indeed, I may say that the question has been completely debated. With reference to the observation of the hon. and gallant Gentleman that there are arguments to be brought forward which have not yet been introduced to us, I am, I must say, somewhat sceptical as to that; but there are other stages of the Bill at which the right hon. Gentleman and his Friends will have every opportunity of bringing forward those arguments. I cannot at all agree with the proposition of the hon. and gallant Gentleman. It

Mr. Gathorne Hardy

is to me one most unusual, considering the manner in which this debate has been carried on on one side of the House and the other, and how equally the two sides of the House have divided the time allotted to us. Besides, there is the fact that my right hon. Friend the Secretary of State for War has been permitted to rise in reply, and it is not according to the custom or the courtesy of Parliament to pursue a debate after the reply. This should not have been permitted if there was an intention to pursue the discussion. I shall, therefore, feel it my duty to resist the Motion.

CAPTAIN NOLAN supported the Motion for adjournment, and hoped his hon. and gallant Friend would press it.

THE MARQUESS OF HARTINGTON: I question, Sir, if the right hon. Gentleman had any recollection of the debate on the Army Purchase Bill, or he would hardly have said that the proposal to adjourn this debate after one night's discussion was an unusual one. I also think it would not have been yielding too much if the right hon. Gentleman had complied with the request which has been made, and the proposal now before the House. There are, to my knowledge, several hon. Members, several hon. and gallant Members, who desire to address the House, and I know also that there are right hon. Friends of mine who wish to speak on this subject. I think it would have been altogether more convenient that a full and complete discussion should have taken place before we proceeded to divide on the second reading, than that we should take the course suggested by the right hon. Gentleman of postponing discussion until a further stage of the Bill. As, however, he has met that proposal by a denial, and as it is distinctly understood that the decision, whatever it may be, which the House may come to this evening will not be the final decision, but that it will be open to hon. Members on this side of the House to oppose the further stages of this measure, I should recommend my hon. and gallant Friend not to take a division upon an issue which may be confusing to some hon. Members, but to take the vote on the second reading, postponing further discussion and reserving full liberty to oppose the Bill at further stages. Sir, before I sit down I will further say that, intending as I do to oppose the second reading of this

Bill, I cannot feel any regret that the discussion should terminate at the stage and in the manner in which it has terminated this evening. I cannot say that I am at all dissatisfied with the course the debate has taken, because I think—although it will not be in order for me to discuss the subject upon a question of adjournment—I think I may say that we have not heard from the Government yet, during the whole of this evening, what are the real reasons which have induced them to introduce this measure, neither have we heard from them any answer at all, nothing which professes to be an answer to the grave objections raised against the measure by hon. Gentlemen on this side of the House. The arguments of the Government have been rather palliations of the measure than attempts to defend it. My hon. Friend the Member for the Border Burghs, the hon. and gallant Member for Longford, and the right hon. Member for the University of London, have argued against the Bill upon higher grounds than any which have been urged by right hon. Gentlemen opposite. They have shown grave reasons, in my opinion, against the paying for exchanges at all; while, at best, the system will allow of officers by pecuniary means regulating the terms of their service, they have shown that it may establish vested pecuniary interests on the part of officers which the authorities at the War Office and the Horse Guards may find it extremely difficult to deal with, and they have shown that it is probable, and more, they have shown that it is likely, to open the way to some of the worst evils which the abolition of Purchase swept away. Now, Sir, I cannot admit that the arguments which have been used by hon. Gentlemen on this side of the House have been met on these grounds by hon. Members opposite. Feeling as I do that the more the subject is discussed the stronger will be the feeling of the Ministry against the proposal, and with the hope that some impression may be made even upon the minds of hon. Gentlemen opposite on calm consideration of the arguments used in this debate, I am not by any means dissatisfied that the debate should close where it does. Therefore, if the hon. and gallant Member takes my advice, he will not proceed in his Motion for adjournment, but will take another opportunity of opposing this Bill.

SIR HENRY HAVELOCK said, that after what had fallen from the noble Lord the Leader of the Opposition, and knowing that opportunities hereafter would not be wanting for further discussion, he would not press his Motion, but would give Notice of his intention of proposing an Amendment on the Motion for going into Committee.

Motion, by leave, *withdrawn*.

Main Question put.

The House *divided*:—Ayes 282; Noes 185: Majority 97.

Bill read a second time, and *committed* for Thursday 4th March.

AYES.

Adderley, rt. hn. Sir C.	Charley, W. T.
Agnew, R. V.	Christie, W. L.
Allsopp, S. C.	Churchill, Lord R.
Anstruther, Sir W.	Clifton, T. H.
Arkwright, A. P.	Clive, Col. hon. G. W.
Arkwright, F.	Close, M. C.
Arkwright, R.	Clowes, S. W.
Ashbury, J. L.	Cobbett, J. M.
Assheton, R.	Cobbold, J. P.
Astley, Sir J. D.	Cochrane, A.D.W.R.B.
Baggallay, Sir R.	Coope, O. E.
Bagge, Sir W.	Corbett, Colonel
Bailey, Sir J. R.	Cordes, T.
Balfour, A. J.	Corry, J. P.
Barrington, Viscount	Cross, rt. hon. R. A.
Bates, E.	Cuninghame, Sir W.
Bathurst, A. A.	Cust, H. C.
Beach, rt. hn. Sir M. H.	Dalkeith, Earl of
Beach, W. W. B.	Dalrymple, C.
Bentinck, G. C.	Davenport, W. B.
Beresford, Lord C.	Deakin, J. H.
Beresford, Colonel M.	Denison, C. B.
Birley, H.	Denison, W. E.
Boord, T. W.	Dickson, Major A. G.
Bourke, hon. R.	Disraeli, rt. hon. B.
Bourne, Colonel	Douglas, Sir G.
Bousfield, Major	Dyott, Colonel R.
Bowyer, Sir G.	Eaton, H. W.
Bright, R.	Edmonstone, Admiral
Brise, Colonel R.	Sir W.
Broadley, W. H. H.	Egerton, hon. A. F.
Bruce, hon. T.	Egerton, hon. W.
Bruen, H.	Elcho, Lord
Brymer, W. E.	Elliot, G.
Buckley, Sir E.	Elphinstone, Sir J.D.H.
Burrell, Sir P.	Emlyn, Viscount
Buxton, Sir R. J.	Eslington, Lord
Callender, W. R.	Estcourt, G. B.
Cameron, D.	Ewing, A. O.
Campbell, C.	Fellowes, E.
Cartwright, F.	Fielden, J.
Cave, rt. hon. S.	Finch, G. H.
Cawley, C. E.	Floyer, J.
Cecil, Lord E. H. B. G.	Folkstone, Viscount
Chaplin, Colonel E.	Forester, C. T. W.
Chaplin, H.	Forsyth, W.
Chapman, J.	Fraser, Sir W. A.

Gallwey, Sir W. P.
Galway, Viscount
Gardner, J. T. Agg-
Gardner, R. Richard-
son-
Garnier, J. C.
Gibson, E.
Gilpin, Colonel
Goddard, A. L.
Goldney, G.
Gooch, Sir D.
Gordon, rt. hon. E. S.
Gordon, W.
Gore, J. R. O.
Gorst, J. E.
Grantham, W.
Greenall, G.
Greene, E.
Gregory, G. B.
Guinness, Sir A.
Gurney, rt. hon. R.
Halsey, T. F.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamond, C. F.
Hardcastle, E.
Hardy, rt. hon. G.
Hardy, J. S.
Harvey, Sir R. B.
Heath, R.
Herrmon, E.
Hervey, Lord A. H.
Hervey, Lord F.
Heygate, W. U.
Hick, J.
Hill, A. S.
Hogg, Sir J. M.
Holford, J. P. G.
Holker, Sir J.
Holland, Sir H. T.
Holmesdale, Viscount
Holt, J. M.
Home, Captain
Hood, Captain hon. A.
W. A. N.
Hope, A. J. B. B.
Hunt, rt. hon. G. W.
Isaac, S.
Jervis, Colonel
Johnson, J. G.
Johnston, W.
Johnstone, H.
Jolliffe, hon. S.
Kavanagh, A. MacM.
Kennaway, Sir J. H.
Kingscote, Colonel
Knatchbull, Sir W.
Knight, F. W.
Knightley, Sir R.
Knowles, T.
Lacon, Sir E. H. K.
Learmonth, A.
Lee, Major V.
Legard, Sir C.
Legh, W. J.
Leigh, Lt.-Col. E.
Lennox, Lord H. G.
Lewis, C. E.
Lindsay, Col. R. L.
Lloyd, S.
Lloyd, T. E.
Lopes, H. C.
Lopes, Sir M.

Lorne, Marquis of
Lowther, hon. W.
Lowther, J.
Macartney, J. W. E.
MacIver, D.
Mahon, Viscount
Majendie, L. A.
Makins, Colonel
Manners, rt. hn. Lord J.
March, Earl of
Marten, A. G.
Mellor, T. W.
Merewether, C. G.
Mills, A.
Mills, Sir C. H.
Monckton, F.
Monckton, hon. G.
Montgomerie, R.
Montgomery, Sir G. G.
Morgan, hon. F.
Mowbray, rt. hon. J. R.
Mulholland, J.
Munooaster, Lord
Naghten, A. R.
Nevill, C. W.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Noel, rt. hon. G. J.
North, Colonel
Northcote, rt. hon. Sir
S. H.
O'Clery, K.
O'Gorman, P.
O'Neill, hon. E.
Onslow, D.
Paget, R. H.
Parker, Lt.-Col. W.
Peck, Sir H. W.
Pell, A.
Pelly, Sir H. C.
Pemberton, E. L.
Peplow, Major
Percy, Earl
Phipps, P.
Plunket, hon. D. R.
Plunkett, hon. R.
Polhill-Turner, Capt.
Powell, W.
Price, Captain
Puleston, J. H.
Raikes, H. C.
Read, C. S.
Rendlesham, Lord
Repton, G. W.
Ridley, M. W.
Ripley, H. W.
Ritchie, C. T.
Rodwell, B. B. H.
Round, J.
Russell, Sir C.
Ryder, G. R.
Salt, T.
Sanderson, T. K.
Sandon, Viscount
Sclater-Booth, rt. hn. G.
Scott, Lord H.
Scott, M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir
H. J.
Shirley, S. E.
Shute, General

Sidebottom, T. H.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, S. G.
Smith, W. H.
Smollett, P. B.
Somerset, Lord H. R. C.
Stafford, Marquis of
Stanford, V. F. Benett-
Stanhope, hon. E.
Stanhope, W. T. W. S.
Stanley, hon. F.
Starkey, L. R.
Steele, L.
Stewart, M. J.
Storer, G.
Sturt, H. G.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Tennant, R.
Thynne, Lord H. F.
Tollemache, W. F.
Torr, J.
Tremayne, J.

Turner, C.
Turnor, E.
Vance, J.
Wait, W. K.
Walker, T. E.
Walpole, rt. hon. S.
Walsh, hon. A.
Waterhouse, S.
Watney, J.
Welby, W. E.
Wellesley, Captain
Wheelhouse, W. S. J.
Whitelaw, A.
Wilnot, Sir H.
Wolf, Sir H. D.
Woodd, B. T.
Wyndham, hon. P.
Wynn, C. W. W.
Yarmouth, Earl of
Yorke, hon. E.
Yorke, J. R.

TELLERS.

Dyke, W. H.
Winn, R.

NOES.

Acland, Sir T. D.
Adam, rt. hon. W. P.
Allen, W. S.
Amory, Sir J. H.
Anderson, G.
Ashley, hon. E. M.
Backhouse, E.
Balfour, Sir G.
Barclay, A. C.
Barclay, J. W.
Bass, A.
Bassett, F.
Beaumont, Major F.
Beaumont, W. B.
Biddulph, M.
Bolckow, H. W. F.
Brassey, H. A.
Brassey, T.
Briggs, W. E.
Bristowe, S. B.
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Browne, G. E.
Burt, T.
Cameron, C.
Campbell - Bannerman,
H.
Carrington, hn. Col. W.
Carter, R. M.
Cartwright, W. C.
Cave, T.
Cavendish, Lord F. C.
Chambers, Sir T.
Childers, rt. hon. H.
Cholmeley, Sir H.
Clarke, J. C.
Cole, H. T.
Collins, E.
Colman, J. J.
Conyngham, Lord F.
Cotes, C. C.
Cowan, J.
Cowen, J.

Cowper, hon. H. F.
Crawford, J. S.
Cross, J. K.
Crossley, J.
Davies, R.
Dickson, T. A.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, rt. hon. J. G.
Dunbar, J.
Dundas, J. C.
Earp, T.
Edwards, H.
Errington, G.
Evans, T. W.
Fawcett, H.
Ferguson, R.
Fitzmaurice, Lord E.
Fordyce, W. D.
Forster, Sir C.
Forster, rt. hon. W. E.
Fothergill, R.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F.
Goldsmid, J.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Grieve, J. J.
Hankey, T.
Harcourt, Sir W. V.
Harrison, C.
Harrison, J. F.
Hartington, Marq. of
Havelock, Sir H.
Herbert, H. A.
Hill, T. R.
Holland, S.
Holms, J.
Holms, W.
Hopwood, C. H.

ward, hn. C. W. G. Pease, J. W.
 ram, W. J. Peel, A. W.
 keon, H. M. Pennington, F.
 nes, Sir H. Perkins, Sir F.
 acs, W. H. Philips, R. N.
 kins, D. J. Playfair, rt. hn. Dr. L.
 kins, E. Plimsoll, S.
 stone, Sir H. Power, R.
 y - Shuttleworth, Price, W. E.
 J. Ramsay, J.
 asington, Lord Rashleigh, Sir C.
 naire, hon. A. F. Rathbone, W.
 ng, S. Reed, E. J.
 y, rt. hon. H. Reid, R.
 yson, Sir W. Richard, H.
 tham, E. A. Richardson, T.
 man, G. Ronayne, J. P.
 vvre, G. J. S. Rothschild, N. M. de
 h, J. F. Russell, Lord A.
 dy, M. Samuda, J. D'A.
 ke, J. Samuelson, B.
 vo, rt. hon. R. Shaw, W.
 bock, Sir J. Sheil, E.
 donald, A. Sherriff, A. C.
 gregor, D. Simon, Mr. Serjeant
 kintosh, C. F. Smith, E.
 rthur, W. Stansfeld, rt. hon. J.
 ombie, W. Stanton, A. J.
 agan, P. Stevenson, J. C.
 land, J. Sullivan, A. M.
 oribanks, Sir D. C. Swanston, A.
 on, C. H. Taylor, D.
 ank, F. A. Taylor, P. A.
 hell, T. A. Temple, rt. hon. W.
 ck, Sir A. E. Cowper-
 k, C. J. Tracy, hon. C. R. D.
 tagu, rt. hn. Lord R. Hanbury-
 re, A. Villiers, rt. hon. C. P.
 gan, G. O. Vivian, A. P.
 ley, S. Vivian, H. H.
 tz, P. H. Waddy, S. D.
 e, Colonel Walter, J.
 phy, N. D. Waterlow, Sir S. H.
 wood, C. M. Whitworth, W.
 yrne, W. R. Williams, W.
 onor Don, The Wilson, C.
 ceffe, J. Wilson, Sir M.
 ghlen, rt. hon. Sir Yeaman, J.
 M. Young, A. W.
 illy, M.
 aughnessy, R.
 illivan, W. H.
 mer, C. M.

TELLERS.
 Hayter, A. D.
 Trevelyan, G. O.

REGISTRY OF DEEDS OFFICE (IRELAND)

BILL—[BILL 70.]

*William Henry Smith, Mr. Chancellor of the
 Exchequer, Sir Michael Hicks-Beach.)*

SECOND READING.

Order for Second Reading read.
 R. W. H. SMITH, in moving that
 Bill be now read a second time, said,
 it was found necessary to make cer-
 alterations in the Registry of Deeds
 last year, and the object of the
 present Bill was to repeal a provision
 which required that any alteration in
 remuneration of the officers of that

office should not take effect until after
 the end of the Session of Parliament in
 which such alteration was made.

Motion agreed to.

Bill read a second time, and com-
 mitted for Thursday.

EAST INDIA HOME GOVERNMENT [PEN- SIONS] BILL.

Resolution [February 15] reported and
 agreed to:—Bill ordered to be brought in by
 Lord GEORGE HAMILTON and Mr. WILLIAM
 HENRY SMITH.

BUILDING SOCIETIES ACT (1874) AMEND- MENT BILL.

On Motion of Sir HENRY SELWIN-IBBETSON,
 Bill to repeal section eight of "The Building
 Societies Act, 1874," and make other provision
 in lieu thereof, ordered to be brought in by Sir
 HENRY SELWIN-IBBETSON and Mr. Secretary
 CROSS.

Bill presented, and read the first time. [Bill 72.]

EAST INDIA (COMPENSATION OF OFFICERS).

Ordered, That all Papers and Documents pre-
 sented to Parliament upon the subject of Griev-
 ances of Indian Officers since Session 1861 be
 referred to the Select Committee.—(Lord George
 Hamilton.)

POLICE MAGISTRATES [SALARIES].

Committee to consider of authorising the
 payment, out of the Consolidated Fund, of
 increased Salaries to the Magistrates of the
 Police Courts in the Metropolis (Queen's
 Recommendation signified), this day.

House adjourned at half after
 Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 23rd February, 1875.

MINUTES.]—PUBLIC BILLS—Second Reading—
 Increase of the Episcopate (8); Supreme
 Court of Judicature Act (1873) Amendment *
 (10); Land Titles and Transfer (11).

PRIVATE BILLS.

Ordered, That the Orders made yesterday,
 That this House will not receive any petition
 for a Private Bill after Friday the 19th day of
 March next, unless such Private Bill shall have
 been approved by the Court of Chancery; nor
 any petition for a Private Bill approved by the
 Court of Chancery after Tuesday the 4th day of
 May next: And

That this House will not receive any report from the Judges upon petitions presented to this House for Private Bills after *Tuesday the 4th day of May* next:

Be *printed* and published, and affixed on the doors of this House and Westminster Hall. (No. 23.)

INCREASE OF THE EPISCOPATE

BILL.—(No. 8.)

(*The Lord Lyttelton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD LYTTTELTON, in moving that the Bill be now read the second time, said: It has been my lot on more than one occasion to bring this question under the notice of your Lordships, and perhaps, therefore, I may be only expected to dwell on the circumstances which induce me to bring it forward again after the lapse of some years; but as several noble Lords whom I now address have taken their seats in the House since the occasion to which I refer, it will, I think, be more respectful of me now to address you on a few of the more important points bearing on the general question. Not that I can undertake to argue against those—those, I mean, if such there be, who are friends of the Church Establishment—who broadly oppose this measure on the ground that there is no need for any increase in the Episcopate, any more than I can argue in support of the Rule of Three. But I say, “if such there be,” for I cannot but doubt their existence. It may remind one of the opposition to church rates, which, I conceive, never could be objected to, on the general ground of justice, except with arguments which are really directed against the principle of an Established Church. Now, the general case is this. The population of this country is constantly and indefinitely increasing. No one questions that concurrently with that increase should be a corresponding increase in the number of clergy, Churches, and the other appliances of the Church below the Episcopate—along with which for the present I reckon Capitular Establishments—and that by a process self-acting in this sense, that recourse to Parliament is not needed for each particular step. Why not the same in the case of Bishops under due regulation? Why are they alone to be reckoned either, as they used to be in evil times

of old, for mere ornament or routine, or, on the other hand, raised in some mysterious manner so much above the rest of the clergy as to be subject to such wholly different treatment? And now I must make every apology if I presume to speak of what I cannot well know in the presence of those who do—I mean the actual work of a Bishop. But it is of the essence of the case, and, as I have been requested by so many persons to take charge of it, I cannot wholly avoid doing so. Is it not, then, desirable—is it not what all the right rev. Prelates do as far as they are physically competent—that a Bishop should have time to be on as familiar and friendly terms as possible with his clergy? That he should have not more power and authority, but more leisure to see them in a quiet way, “drop in” casually, and without the parade of preparation and dinner-parties, go about their parishes with them, look into the schools and talk to the children, advise about difficulties and offer aid, and be as well known in any part of the diocese as now they are necessarily to be rarely seen. And this I say without any of the feeling which some have, of dislike in itself, to seeing Bishops giving part of their time to worldly less precisely spiritual or diocesan. I am glad, as we all are, to see them in this House: I am glad to see them in London attending to meetings and the like, and occupied as they must be in the formal and prescribed functions of their office: I only wish to see them have more time, and ample time, for those other duties more purely spiritual and paternal, of which I spoke. So far as a specimen of their direct personal relations with the clergy. Next, do we not know that no step in that continuous development of the organization of the Church of which I have spoken can be made without an addition to the proper duties of the Bishop? Not a new church can be built, not a new district formed of which he is not the Ordinary, and invested with new responsibilities accordingly. But I cannot stop here. I apprehend a Bishop acknowledges his proper relation to every individual clergyman, or layman, down to the very humblest in his diocese. It is an old saying that he has the *cura cura animarum*; and, as a matter of fact, I am sure that any of the right rev. Bench would feel bound to give his best attention to

any inhabitant of his diocese who might wish to consult him, whether for spiritual counsel or any other matter suitable to his high office. Well, then, if I may now assume the need of more help for the work of the Episcopate, I presume I am bound to advert to what is sometimes alleged in qualification of this need, the appliances and improvements of modern discovery — railways, telegraphs, the penny post, and, I suppose, even post-cards. Now, I do not wish to use too strong language on any part of the case; but I must need say that this argument is beneath notice. Is it not obvious that all these things make far more work than they save? That good does it do me that I can go 100 miles much quicker than formerly if I am called on to go the 100 miles twenty times oftener than I used to be? If I get forty letters in a day to answer, is it much advantage that I have half-a-dozen posts by which to reply, and half-sealing envelopes to do it with, if I am no better able than before to decide the questions brought before me, and which used to come in much smaller numbers? Another objection to the Bill is of a different kind. Admitting that in many cases more Bishops may be wanted, it is said that the matter is so important that Parliament ought to judge of each separate case as it arises. This opinion may no doubt be fairly held, and, indeed, I do not well know how to argue against it. It is, of course, saying that nothing shall be done, for in all matters Parliament is able at any time to interfere if it pleases. I can only give the general answer which I have already given, that I conceive the whole of our church system, not omitting the highest part of it, may properly be made capable of self-development. But one special point may be suggested. The object, by common consent, is to be attained by voluntary effort; the endowments are to be provided or promised before the arrangements are made. But we cannot expect any one to do so for a given new See if the Act constituting that See has to pass through the ordeal of a separate transit through Parliament. The only new Sees have been those of Ripon and Manchester, and they were not provided by voluntary contributions. But it would be very different if Parliament had once, by a general measure, given its sanction to the principle, and recognized the pro-

bability that such Sees may be called for, and the parties would only have to deal with such bodies as the Ecclesiastical Commissioners and the Privy Council, acting under the guidance of a statute. In the next place, the necessity for the Bill is questioned, because of the substitutes for additional Bishops, upon which so much light has been thrown by our proceedings of late years. Those substitutes are two, but they may both be described by the term *Suffragans*, or *quasi-Suffragans*. Episcopal duties are performed either by Suffragan Bishops properly so-called, appointed under the Act of Henry VIII., or by retired Colonial Bishops acting under licence. I desire to speak with satisfaction of both these experiments. The latter is no doubt a curious and unexpected result of the immense development of the Colonial Church. No doubt it was hardly supposed that we should see what we do; considerable numbers of Bishops who have worked in the prime of life in the tropics for 16 or 20 years—as long a time as most men's health will bear—and, when unable to continue there, returning home, and still able to work in their natural climate for many years as dignitaries, and even as parochial ministers. It is not, however, every one who can have the good fortune of the right rev. Prelate (the Bishop of Lichfield), who on returning home and undertaking an English diocese, was able to bring back with him, or to attract to him, his two most intimate friends, who had worked with him at home and abroad nearly through his whole clerical career, and to establish them as his coadjutors in his Episcopate, no doubt greatly to his comfort and advantage. The revival of the Suffragan Act, too, had been a great advantage—that revival, in spite of the sneers and prophecies of failure which attended it. It might remind us of similar imagined difficulties as to two other measures of late years—the one the revival of Convocation, which was said by no less an authority than Sir Francis Palgrave to be impossible. The other was the possession of self-government by the Colonial Churches, which was fruitlessly attempted to be conferred upon them through Imperial legislation, promoted by many eminent men, such as Mr. Gladstone and Lord Westbury. In both these cases the difficulty disappeared—

according to the old saying, *solvitur ambulando*. Convocation did revive; and the Colonies, finding the difficulties at home insuperable, simply took the matter into their own hands and did it. And so it has been with the Suffragan Act. But as to the present question, the answer in both cases is the same. Suffragans are good, and may at any time be introduced; but they are no equivalents for Diocesan Bishops. They cannot relieve the ancient Bishop to the full, as they act under his control; and invariably the clergy are found to prefer that their own proper Bishop shall come among them. The Bishop of Lincoln, who has an excellent suffragan, Bishop Mackenzie, writes to me to this effect. He says—

“My dear Lord,—It is a very great disappointment indeed to me to be unable to come up and vote for the second reading of your Episcopate Bill, having an engagement for a church opening near Grantham, but I earnestly hope and believe that there is no doubt of its success. I should like to have been able to state that the system of Bishops Suffragan, which was first conceded on my petition for this diocese, though very valuable in some respects (especially for increase of confirmations), is no adequate substitute for, what you propose, the subdivision of dioceses. Perhaps you will have the kindness, if you think fit, to say this is the result of my experience of it for five years.

“Yours, my dear Lord, very faithfully,
“C. LINCOLN.”

And now I think I have said enough on the general case, and must advert a little to the history of the question since it was last before this House. There are three grounds in that history, which seemed to warrant the re-introduction of the Bill. After it had failed the last time, the Association which exists for this object thought it would be well to attempt to procure support to the measure from below—from the parochial clergy. We did so by inquiring into their individual opinions by means of queries addressed to the Rural Deans. Some few of the right rev. Prelates found fault with us for presuming to address their servants the Rural Deans otherwise than through themselves. I cannot, however, regret having done so. The object was to obtain the independent opinions of the clergy; and it would have been said that we were bringing influence to bear upon them if we had consulted them through their superiors, the Bishops or Archdeacons. The result

Lord Lyttelton

of this inquiry was remarkable. There are 740 rural deaneries in England and Wales. Of these, 477 have sent replies, and it may, perhaps, be assumed that those who have not replied, if not clearly in favour of the Bill, are not actually opposed to it; and of those, 468 were decidedly, for the most part unanimously, in favour of the principle of the Bill. The fact is remarkable, as exposing the vulgar notion—sometimes, I believe, entertained even by men calling themselves High Churchmen—that the clergy are jealous of their Bishops, and desire to see little of them. The next fact was, the formal assent to the Bill of the Upper House of Convocation, which we had not had before, though many Bishops had individually favoured it. The subject was referred by that House to a Committee, which reported in 1873, and on that Report was founded a Resolution of that House itself, which recommended a measure with which the present Bill is in entire accordance. The Resolution was as follows:—

“That we concur in the recommendation of the Cathedral Commissioners of 1852, that a general Enabling Act of the Legislature should be obtained, empowering the Queen in Council, through a scheme to be proposed by the Ecclesiastical Commissioners, with the consent of the Bishop, to form a new See by the division of any existing diocese: the scheme for carrying this into effect in each case being laid on the Table of both Houses of Parliament for a certain period, and, if no Address against the same be carried in either House of Parliament, to become law.”

The Resolution, however, was general, and did not commit those who passed it to immediate and practical approval of such a Bill. Our next step, therefore, was, under the advice of the most rev. Primate, to address each Bishop separately—knowing as we do how rarely they are able to meet in full numbers. I have here the written replies of every single Prelate, including, indeed, the bearer of an illustrious name who is still living, but whose functions in this life, it must be feared, are over—Bishop Thirlwall. And the opinions of the Bishops, with only two exceptions, are expressly favourable to the introduction of the Bill; indeed, the writers promise their support—that is, to the second reading—beyond which, of course, we can expect no one to go. And on this I

only presume to express a hope that support will be a hearty support. I had, on former occasions, support in certain right rev. Prelates—whether living still or not I do not say—support to which the wettest of wet blankets, the most damning of faint praise, is no language to apply. I have every reason to hope for better things now.

Bishops, however, made it a very reasonable condition that the political aspects of the measure were such as to make its passing in the Session when it was introduced fairly certain. And this was due to the third material circumstance which I referred to—the political changes which the Bill was last here. At that time, and when afterwards I consulted the Bishops, the Liberal Party were in the majority; and to fulfil the condition mentioned, it would have been requisite to obtain the consent in both Houses of the members of Opposition as well as of Ministers. Now, with a strong Conservative Government, with an adequate majority in both Houses, the case is different. I do not, indeed, consider that Liberals are at all bound to regard the Bill with less favour than the Conservatives; but still, it is a measure which must naturally, I hope, be regarded by Conservatives as one which they specially should support, and if it is not passed now I cannot imagine how they ever should. I have to thank Her Majesty's Government for the great forwardness with which, through the Prime Minister, their consent has been promised me. I have now only to advert to some of the more material details of the Bill; and here I cannot but say, if I may be excused a bit of conceit, that if every man was as reasonable about these details as I think I am myself, I should have little fear as to the fate of the Bill. In my mind a Bishop is a Bishop; and I can secure a due number of independent Bishops, in the full spiritual and ecclesiastical sense, for the Church, I am content to leave all details to the wisdom of Parliament and of Government to settle. Well, the first point is as to the provision of funds. I have proposed that they shall be entirely found by voluntary subscription, and in particular the funds of the Ecclesiastical Commission shall not be touched. In short, I think this most unreasonable. I will not go on any technical ground about the Episcopal Fund: I am content to

take the very ground of those who hold that the funds of that Commission ought to go solely to the relief of spiritual destitution. I hold that it is a narrow and dim-sighted view of the subject to call it such relief when you put down a poor man, with £150 and £200 a-year, to do the best he can, single-handed, in a destitute district, and that it is not so when you found a new See. Experience both at home and in the Colonies has abundantly proved that one of the very best means of promoting the very objects commonly reckoned among the remedies to that destitution, is the provision of a due number of Bishops. But I have got to pass the Bill; and I know well enough the power of the noble Earl (the Earl of Shaftesbury), and of his enormous following, to be assured that I cannot pass it other than it is in this respect. Nor do I mean that it ought to cause any difficulty. I appeal to the immense wealth of this country, and of its Churchmen, who are still the chief and the wealthiest in it; and I say that if they do not care enough for this object to be ready to pay for it—as Lord Palmerston said, “They may have a Bishop if they will pay for him”—they may go without. In this country resources to any amount are at hand for any secular object of amusement, of use, of luxury, of ornament—and surely there will be the same for such a purpose as this Bill deals with. At Manchester, quite lately, it has been proposed, without parade and without appealing to any one outside the town itself, to raise £250,000 to purchase the best site in the whole town, and another £250,000 to build there a great cathedral; and no doubt they will do it if they choose. This Bill, too, will partly work through mixed motives. There are large towns and accumulated populations in the country which see their neighbours with the advantage of an Episcopal See, and who will say, Why should not we have it as well as they? Nor need the endowment be all in money; land may be given and advowsons, as was once actually offered in Cornwall. Then I have been asked what Sees I look to founding? a question involving misapprehension of the Bill. I reply that I do not know: it is for the local parties who feel the need of a Bishop to find funds which may be thought sufficient by the Ecclesiastical Commissioners, with whom it will rest to decide

whether the scheme should proceed. I have only to hope that they will judge in any case according to a standard right in itself, and not on a relative comparison of one district with another. The case of Cornwall may, perhaps, be the strongest in the country. But if the Cornish people cannot or will not raise the needful funds, and the people of Norfolk can, for a second See, it would be hard on Norfolk—assuming that Norfolk is in itself a proper case—to say they should not have it because Cornwall cannot have it first, or as well. It would be as hard as to deprive Chichester or Hereford of its See, because Southwark or Southwell may want a Bishop more than they do. So about incomes. I leave that to the proper authorities. I neither desire to diminish the income of any existing See, nor do I desire to see anything like a rigid uniformity in this respect. Let it be considered according to the circumstances in each case. The next point is the one on which I the most fear difference of opinion. I mean the question of seats in Parliament. I certainly much prefer and strongly press what I have proposed, the simple extension of the present system of rotation. The main practical effect of it would, in my opinion, be absolutely good; it would enable a larger number of the Bishops to spend the early time of their Episcopate in becoming acquainted with their dioceses, instead of dancing attendance on this House, as to read prayers, in a way which I believe they have themselves very generally regretted. I desire to see all the Diocesan Bishops on a level as far as possible, instead of having two separate classes of them, as the other plan would do. As for the doctrine that they sit, not as Bishops, but by baronial tenure, I leave it to the black-letter lawyers and antiquarian authorities. The people know nothing of it; they think of the Bishops as sitting in this House as representatives of the Clerical Order, and not in any other light, and so I believe they desire to see them continue. The last detail is that of the *congé d'élire*. I know many persons will desire to see the existing system extended to the new Sees—I cannot pretend to share that feeling. It is at present a mere sham. If Parliament thinks fit to make it a reality they will do so; but it is not for me as a private Member of Parlia-

Lord Lyttelton

ment to make any such attempt, and as it now is I cannot think it worth while to call into existence the *congé d'élire* when it does not exist. And generally, I have not been able to attend to the many suggestions I have received, that should engraft on the Bill various proposed amendments in our present system, such as some limitation on the free choice of the Crown in the appointment of Bishops. My belief is, that while the Church is established the appointment of all its Bishops ought to be in the Crown, as even that of Deans has been made by recent legislation. The following words are the concluding ones, and with them I also conclude, of an eloquent article in the Review now 31 years ago—

"The time is not far off when the tumult and triumph of our barbaric wars, and the renown of fine diplomacy, and the praise of financial skill, and the names of those who have achieved and advanced these exploits and successes, shall weigh light in the hearts of the fathers and mothers of England against the names of those who shall first gain for the millions of our 'poor destitute' the long-delayed boon of one additional Bishopric."

Moved, "That the Bill be now read 2^d."
—(*Lord Lyttelton*.)

THE EARL OF SHAFTESBURY
Perhaps your Lordships will allow me to make two or three observations. It is not my intention to oppose the Bill either on the second reading or in any of its details—though I am far from thinking it necessary or even desirable. I must plead guilty to holding still some narrow and bigoted opinions ascribed to me by my noble Friend. I still hold that the common fund must be used for the provision of the living agent and for the full completion of the parochial system. The main objection I always urged against measures of this description has been taken away by the insertion of the 10th clause, which provides that—

"Nothing in this Act shall authorize the Commissioners to apply any portion of the common fund towards the endowment and maintenance of any Bishop, Dean and Chapter, or other office erected or created under the provisions of this Act."

That the Church Establishment is in some danger, and that it requires a good deal of succour, no one will deny; and indeed, the noble Lord is to be thanked for the effort he is conscientiously making

its behalf. But one may fairly question whether this plan is in any degree adequate, or whether, in fact, it is in right direction. I doubt whether extension of the Episcopal order, in all its train of Deans and Chapters, Ecclesial Courts, Registrars, Apparitors, the like, all of which appear under the 6th clause, will give much assurance to the country. I cannot but believe in the existence of the Establishment, but yet be prolonged for many years; it must be by reforms far more wide, deep, and searching than the one here before us. Its great, and, indeed, sole purpose is the "increase of the Episcopate;" but, my Lords, the multiplication of Bishops is one thing, the multiplication of Prelates is another. I think it might venture to state that the answer to the country to an appeal for the first would be favourable; but I do not pretend to say what will be the reply to the second. But I have no opposition to offer either now or in Committee, so I will not trouble your Lordships with further remarks.

THE BISHOP OF WINCHESTER said, he would venture, on the strength of his experience in several dioceses, to address a few words to their Lordships on this subject. While working for many years in the Diocese of Exeter, where there were two distinct populations occupying different counties, he could not help remarking the need there was for the division of the See into two distinct dioceses. The area was far too large to be adequately dealt with by a single Bishop. The matters now stood the Bishop was miles removed from the further parts of Cornwall, and consequently the people were far less of him than was desirable; the Bishop was overworked, and in some instances the spiritual interests of the people were looked after only at the cost of great sacrifices. He afterwards presided for 10 years over the Diocese of Ely, which consisted of four counties, and there, again, he thought that another Bishop was very much needed;—the diocese compared with others was a small one, and yet it had taxed all his powers. But after going to the far western Diocese of Winchester, he began to think he must have been unreasonable in wishing for help when in Ely. He then found out what a really large area was. Winchester included besides South London, where there was a work-

ing-class population of about 1,000,000, the suburban and rural parts of Surrey, the whole of Hampshire, the Isle of Wight, and the Channel Islands almost on the Coast of France; the area of its surface was so immense that it was almost physically impossible to visit all its details: and within the present generation the population of the diocese had increased almost threefold. If 50 years ago there was ample work in it for a Bishop, what must be the case now? The noble Lord who had introduced the Bill—and whom he thanked most heartily for having done it—had referred to Suffragans as a means of lessening the Bishops' labours. His (the Bishop of Winchester's) experience was that a Suffragan did not in the slightest degree lessen those labours. He ventured to say that he worked as hard now as he would have to do without a Suffragan. No doubt, by having such an assistant there was more work done, but the labour of the Bishop was not thereby lessened. Moreover, as a rule, people did not care for Suffragans. What the people wanted was their own Bishop, and when they were asked whether they would wait a little, or have the services of the Suffragan, they always said they preferred to wait. This was the case in Winchester, although the Suffragan of that diocese was chosen as one who was peculiarly beloved by the population. He knew it to be a common cause of complaint among the people that the occasions were so rare when they had their Bishop among them. He thought that in providing for an increase in the Episcopate care would be taken that it should be suited to the wants of the several dioceses, and that there should be no new See instituted merely because there happened to be a fine church in the district. Under the circumstances, it would be a great boon to the country to have an increase of the Episcopate such as the present Bill proposed. He hoped that their Lordships would read the Bill a second time, and make such alterations in it in Committee as they deemed to be necessary.

THE BISHOP OF EXETER remarked that the diocese over which he presided was particularly interested in the subject-matter of this Bill, inasmuch as it required sub-division more than any other, it was the largest in area and containing the largest number of clergy;

while from its unwieldy shape it was impossible for the most active Bishop properly to discharge its work. It was longer than the distance from London to Bristol. In consequence of its extreme length and from the fact of the Cathedral city being situated at one of its extremities, he had often to travel for some eight or nine hours to his work and as long home again after he had done it. In addition to that inconvenience, there was a very heavy amount of correspondence with the clergy, and this work increased faster than the facilities for communication did. Men were much more active at the present day than they used to be, and it would not be borne for the Church to be as slack as it was 17 or 18 years ago, and there was much more doing in county parishes which no one would have thought of a short time ago. He had sometimes heard it said that it was not a good thing that the Bishop should be perpetually interfering with his clergy; but in reply to that statement he must remind the House that it was from the clergy themselves that this demand for an increase of the Episcopate emanated. They felt the want of advice and support. The chief argument in favour of this measure was that it was at present impossible, owing to the pressure of work, for the Bishops to discharge their duties properly. In support of that allegation, he might say that during the first year after his appointment to the Diocese of Exeter he was at work every day from an early hour in the morning until a late hour at night; so much so, that when the late Government asked him to allow his name to be put upon a Commission of some importance, he was obliged to refuse on the ground that until the end of the year he had only 11 days at his disposal; and afterwards even those days were filled up. Although the pressure of work was not quite so heavy at the present time as it was formerly, it was as much as he could do to get not quite six weeks in the year for rest. The consequence of this great pressure of work was, that when the clergy came to the Bishop for his advice he was compelled to give them a hasty opinion on the spur of the moment, not having time to weigh and consider his reply. But there was a still stronger argument in favour of a division of his diocese, which was that from its extent he was unable

to go to his clergy and his clergy were unable to come to him. It was quite as important that the clergy should be able to get at their Bishop as that the Bishop should be able to get at them. Whenever any of his clergy required his advice on any difficult or troublesome question, the responsibility with regard to which they were anxious to take upon their own shoulders, they had frequently to travel 100 miles in order to see him personally. This was a very heavy tax upon their purse and their time, and the clergy felt it would be a great help to them if they could consult the Bishop upon easier terms. Beyond this, it must be remembered that a great deal of the diocesan work had to be done through united action and it was important that the clergy should have ready means of meeting for that purpose. Thus, when the Elementary Education Act was passed, and the Government ceased to examine in religious instruction in elementary schools, a general feeling prevailed that it was the duty of the clergy to take up the work which the Government had dropped, and it was resolved to raise funds for the appointment of diocesan inspectors of religious instruction, and a committee of the clergy was appointed to control those inspectors; but it was found almost impossible for it to work on account of the extent of the diocese. He named Exeter as the place of meeting for the committee, the clergymen of Cornwall were unable to attend; and he named Truro, the Devon clergymen could not come; while, if he selected some middle place like Plymouth, he lost half the clergymen from each county. It was under these circumstances that a perpetual demand had arisen on the part of the clergy for the division of the diocese, in order that their work might not be hindered and that it might be better done. The noble Lord (Lord Lyttelton), in framing this measure, had taken the inevitable course in providing that the money necessary for carrying out its object should be raised by voluntary subscriptions; but he confessed that this would operate very hardly upon very poor dioceses like that of Exeter in which it would be very difficult to raise the necessary funds, and therefore he hoped that it might not be found impossible to admit of certain modifications in the proposition of the noble

The Bishop of Exeter

rd which would go some way towards
 neting the difficulty he had indicated,
 hout interfering with the general
 ninciple of the Bill. For instance, in
 es where the income of the diocese
 be divided was in excess of £4,200
 ear—the minimum sum that Bishops
 re to receive—the surplus might be
 propriated towards the income of the
 w diocese to be carved out of it. The
 essent total income of his own Diocese
 s £5,000, and as it was reduced to
 £200 there was £800 a-year to pro-
 ee for the new Bishop. It would also
 easonable that a canonry in the
 edral of the original diocese should
 assigned to the new diocese, or one
 ge living in the gift of the Crown
 e of the Bishop. As regarded the
 untary principle itself as applied
 this subject, he thought that it
 s a mistake, being satisfied that
 m the demands made by the clergy
 the increase of the Episcopate they
 t that they should be better able to
 form their duties if the number of
 hops were increased, and that it would
 for the sake of the efficiency of their
 rk that new Sees should be created
 d properly endowed.

THE ARCHBISHOP OF CANTERBURY :
 Lords, the noble Lord (Lord Lyttel-
) has brought before us a very impor-
 t practical question, and I should not
 doing my duty if I did not, in fulfil-
 ment of the pledge I have given to him,
 press my hearty concurrence in the
 measure which he has brought forward.
 I am quite aware that, as the noble Earl
 (the Earl of Shaftesbury) has said, this
 is but a small reform among the many
 which we desire to see effected in the
 Church of England; but I believe that
 the best way of promoting real practical
 reforms is by taking, one by one, such
 reforms as may be proposed to us; and,
 in my part, I think that this is a very
 important practical reform. The noble
 Lord referred to the manner in which
 members of the Episcopal Bench had
 dealt with his former efforts in this direc-
 tion; but I may be allowed to say, on
 his behalf, that when the noble Lord
 made his previous efforts there did ap-
 pear to be something unpractical in his
 proposed legislation. That, I believe,
 cannot be said on the present occasion,
 many of the matters which raised
 discussion, and were likely to shipwreck
 former efforts of the noble Lord, are

now removed. The question of appeal-
 ing to the Ecclesiastical Commissioners,
 for instance, to give any portion of their
 common fund for the purpose in view is
 now out of the way, and not likely to
 be introduced into the debate which
 may occur when this Bill goes—as I hope
 it may—into Committee. Again, I cannot
 help observing what is going on around
 me, and the symptoms which show that
 there is a feeling in the community now,
 such as there was not then, that some ef-
 fort of this kind ought to be made. It is
 impossible even to read the newspapers
 without seeing that in the large towns
 efforts for the extension of the Episco-
 pate are now being made which were not
 made on previous occasions. I cannot
 doubt that your Lordships, both when
 this matter was previously before you
 and now also, were convinced of the
 necessity of carrying some such measure
 if it should be practicable. When I
 came to the See of London, I was called
 upon to consecrate what I was told within
 a few days of my own consecration was
 the 200th church built since the be-
 ginning of Bishop Blomfield's episco-
 pate—and 200 churches are of themselves
 a diocese; and thus far it is clear that
 the efforts of Bishop Blomfield had cre-
 ated what was equivalent to a new diocese
 in the Diocese of London. My esteemed
 predecessor in the See of Canterbury
 was, as your Lordships are aware, en-
 gaged for 20 years in laboriously build-
 ing up the See of Ripon, and everyone
 who is acquainted with the North of
 England knows how his labours have
 been crowned with success, and what a
 great cause of satisfaction it was to those
 who were interested in the spiritual wel-
 fare of that part of the country that
 the See which he was the means of thus
 building up had been called into exist-
 ence. Your Lordships are, perhaps,
 also aware that his immediate prede-
 cessor while Bishop of Chester, with
 that mild wisdom for which he was re-
 markable, by his unhasting, but unres-
 ting zeal, during the 20 years he presided
 over the Diocese of Chester, consecrated
 one church for each month of his episco-
 pate, constituting by those 240 churches
 what was equivalent to a new Dio-
 cese. And the Diocese of Chester,
 during the time when he first la-
 boured in it, contained what is now
 the new Diocese of Manchester, and a
 part of the present Diocese of Carlisle.

My Lords, these labours show what can be done by earnest men, when they are called to exercise, as these men exercised, the office of a Bishop. And no one can doubt that when the Church of England is thus developing itself with such rapid strides, there must be a necessity for extending the governing power as well as the common pastoral power of the Church. Why, my Lords, we live in a metropolis which, when I had the honour of presiding over its spiritual concerns, was stated to increase at the rate of 40,000 souls a-year:—so that during the 12 years I presided over it, it may be said to have grown by 480,000 persons. This alone, my Lords, shows that it is madness to sit still while the population is thus increasing, and while the demands on the Church to meet its wants are so great. I by no means think that the step taken by the late Government was an unimportant or an unpractical one when they enabled us to call in the assistance of Suffragan Bishops. I quite feel with my brother of Lincoln that the Suffragan Bishop cannot exactly do all that is done by the Diocesan Bishop; but I believe that in the case to which he alludes, it will, very probably, be found that the existence of the Suffragan has paved the way for the Diocesan. A most important step was taken in the few cases in which a Suffragan Bishop has been appointed through the exertions of the late Government. As to my own experience of a Suffragan Bishop, though the See of Canterbury is not large in relation to the diocese with which it is concerned, it has, of course, a great many other duties attached to it; and as the Church of England grows in the Colonies, continual appeals to the occupant of that See entail on him new labours; and I am of opinion that it would be impossible for any man adequately to perform the duties of Archbishop of Canterbury from this time forward without the assistance of a Suffragan Bishop. My Lords, I rejoice to think that, in my diocese, I have had the help of a Suffragan who is beloved by the clergy among whom he has laboured, and one effect of his labours among them has been very greatly to increase both my efficiency and the efficiency of the Church in the Diocese of Canterbury. No doubt, it is important that labours which, properly devolve on the Diocesan, should not

be put on the Suffragan; but there is room in many dioceses for both, and work for both. Moreover, I do not believe that this work will be diminished by the division of Sees. The fact is, that in all those cases where the labour is sub-divided the better, of course, is the work done; but the person who is called upon to labour does not find any diminution of his own work, while it is better done. It is impossible for a Bishop of the Church of England, in the present day, not to exert himself. I do not exactly see the distinction which the noble Earl who has left the House (the Earl of Shaftesbury) draws between a Prelate and a Bishop. He may perhaps mean by a Prelate a man who enjoys all the good things of this life—pomp, circumstance, and state—and by a Bishop a man who does the work; but, if so, I think we may claim to be both Bishops and Prelates; and I, at the same time, deny that there is any such marked distinction between the two offices as the noble Earl pointed out. Of this I am certain—looking back to those who are gone—thinking of some of those whose names will be longest remembered—that they admirably performed the duties both of Prelates and of Bishops. One name occurs to all who remember in this House a Bishop who was never behind in any of those duties which attach to the office of a Prelate—who held his place on every occasion in your Lordships' House, not only to his own honour, but, if I may venture to say so, also to the honour of this House—and who, at the same time, was the most laborious Bishop who ever perhaps, worked in a diocese of the Church of England. And he does not stand alone. I remember that my predecessor in the See of London was a man of the same stamp—who was at once able to perform fully, and to the satisfaction of the country, every duty which devolved upon him as a Prelate and was at the same time a pastor among pastors, honoured by all the pastors of his diocese. My Lords, I have no fear that the Bishops of the Church of England will fail to endeavour, according to their ability, to work as those who have gone before them worked. The only thing I am afraid of in the present day is this—that such unremitting attention to their duties as my right rev. Brother has just spoken of, for ex-

The Archbishop of Canterbury

ple, may leave little time for literary our. In the past times it has been glory of the Episcopate of England at the Bishops had time to think and te, as well as to work. In an age like s, when dangers are supposed to eaten the whole social system—not of s country alone, but of all Europe and when there is a danger of mal- alism spreading throughout the civil- ized world, I am reminded that if we are bled to resist those dangers, it will be ough the works of that great Bishop l Prelate of the Church of England, o wrote the immortal "Analogy." at author raised a standard against terialism, which I believe to be 'as ful in this day as it was in that which he lived. I trust we may come to a time when we are to ve no learned Bishops. I do, indeed, self know a learned divine—a friend my own—who was obliged to refuse post of a Bishop because he felt that e accepted it he must desist from those rary and theological labours which I eieve will make his name famous; but ave not come to that pass yet. There ne great man who is still living among although he has ceased to fill the ce of a Diocesan Bishop. I believe t the name of Bishop Thirlwall stands th to show that the existence of a t learned Bishop is still possible in 19th century, and I doubt whether Church of England—I doubt whe- r the Church Universal — ever pro- ced a man more learned or more able n that distinguished man, who I re- ce to say is still living. I trust that r Lordships will give a second read- to this Bill.

Motion agreed to; Bill read 2^a accord- ly, and committed to a Committee of Whole House on Tuesday the 9th of arch next.

PREMIER COURT OF JUDICATURE ACT (1873) AMENDMENT BILL.—(No. 10.)

(The Lord Chancellor.)

SECOND READING.

Order of the Day for the Second Read- ing, read.

THE LORD CHANCELLOR, in mov- ing that the Bill be now read the second time, said, he desired to say a few words, some misconception had arisen as to what was intended in reference to the

Bill. In introducing this measure he stated that he proposed to repeal the Schedule to the Judicature Act of 1873, which contained the Rules as to the practice of the Court, and that he pro- posed to incorporate the contents of that Schedule along with the Rules made by the Judges last year, and submitted to Her Majesty in Council. As misconcep- tions had arisen, he wished to state that the Schedule of the Act of 1873 contained about 60 Rules, which were called the leading Rules of Practice and Procedure under the Act. It was, in addition, left to the Judges to prepare Rules in greater detail, because the 60 Rules were in- adequate to meet the whole practice and procedure of the Court. The Judges, consequently, last year approved a very extensive body of supplementary Rules under the Act. The only object he had in view was that the body of the Profes- sion should not be obliged to resort to two different compilations of Rules for the purpose of ascertaining the proce- dure of the Act. To him it was a mat- ter of complete indifference. He held in his hand a complete body of Rules—the 60 Rules in the Schedule of the Act of 1873, and those approved by the Judges last summer. That document ran to the extent of 117 long pages, and his appre- hension was lest the Statute Book should be needlessly loaded with so great a body of matter, which might be changed by the Courts after the Act came into opera- tion. If changes were made by the Judges, these Rules, although published in the Schedule, would become useless. He doubted whether it was wise to load the Statute Book with such a body of matter; but it was indifferent to him whether it was placed in the Schedule or treated as a separate body of Rules. There could be nothing further from his mind than to suppose that such a body of Rules ought not to be brought under the notice of Parliament and the public in sufficient time before the Act came into operation.

Moved, "That the Bill be now read 2^a." —(The Lord Chancellor.)

THE EARL OF HARROWBY said, he did not wish to raise an obstacle at the present stage of the Bill, but there was one point in connection with the Bill to which their Lordships' attention should be called. A strong feeling existed in favour of the continuance of the juris-

diction of their Lordships' House as the Final Court of Appeal. Public attention had not been much called to this question when the Bill of 1873 was before them. The two leaders of opinion, in such matters on both sides concurred, and no one but the noble Lord (Lord Redesdale) had the courage to question the propriety of the step, so that it easily passed into law. There was now an opportunity, of which he hoped their Lordships would avail themselves, of re-considering the question. A great deal of feeling had already developed itself against the proposal, and it had been manifested by the Petition of the Writers of the Signet, by the almost entire unanimity of the Bench and Bar of Ireland, by the doubts expressed by between 400 and 500 members of the English Bar, and by a very considerable admixture of doubt among the Judges on the Bench. While the opposition to the proposal had thus gained ground, not a single Petition had been presented in favour of the proposed change, and no complaints of delay had been made by suitors. He did not say what conclusion their Lordships would arrive at; but he did hope that an opportunity would be taken to pass the matter again under review, and he trusted also that sufficient time would be given before the stage of Committee for a full expression of opinion on the part of those out-of-doors who wished to preserve their Lordships' jurisdiction as the Final Court of Appeal.

LORD SELBORNE said, it would be for the convenience of their Lordships that, before the time came for asking the decision of the House, full notice should be given by those who opposed the removal of the jurisdiction of the House of Lords of the precise proposals which they intended to make, as to the future mode of providing against those difficulties, the existence of which had been felt for a series of years, and had led to the constitution of the new Court of Final Appeal by the Act of 1873. Some mode of securing the due discharge of their Lordships' judicial functions must be provided if their Lordships should unfortunately be inclined to retrace their steps.

LORD PENZANCE said, that their Lordships were now for the first time considering the creation of an Imperial tribunal of appeal for the Three King-

doms, and the time had accordingly arrived when they might properly reconsider the question whether the House was or was not fully capable of fulfilling the functions of a Final Court of Appeal, and better indeed than any other tribunal. The decision arrived at when their Lordships were asked to pass the Bill of 1873 was wholly different from that now before them. The question then concerned England alone and their Lordships had no alternative. For it was proposed to take away the second appeal in English cases altogether, and if that was a wise step for the suitors and the public, no one would say that for the mere purpose of keeping alive your Lordships' jurisdiction or privileges, a second Court of Appeal should be retained. But they were now asked to deal with Scotland and Ireland; and the Bill provided that there should be a second appeal in English cases also, thereby undoing the legislation of 1873. No doubt that appeal was restricted, but the Lord Chancellor did in certain cases give a second appeal, and the question now, for the first time, arose to what tribunal that second appeal should go. The new Court of Appeal was required to be an Imperial tribunal, but it had nothing about it Imperial except the name. That was one objection; but there were other serious objections to the proposed new Court of Appeal. In the first place, while there was to be a limitation of amount upon appeals coming from Scotland—and he admitted that frivolous appeals had come to that House from Scotland—and while the appeals from England were to be restricted to cases in which the Judges of the First Appeal Court had differed in opinion on cases in which the judgment of the Court below had been reversed, there was to be no limitation and no restriction upon appeals from Ireland. He had never heard a reason for this distinction, nor that Irish Judges were more likely to be mistaken than English or Scotch Judges. Then the Court itself was constituted in the most arbitrary manner; it was the fraction of another Court; and the upper half of the Court was to review the decisions of the lower half. The Judges of the upper half were to have the same standing, emolument, and dignity as the Judges of the lower half, and that was a condition of things that could hardly be satisfactory to suitors

The Earl of Harrowby

For what would a suitor think, who had been successful in the first half of the Court, and then had that decision reversed by the second half? What reason would he have for believing that the second decision was more worthy of confidence than the first? Further, the upper half was not to be a permanent Court of Appeal, which, recruited from Judges from Scotland and Ireland, might become conversant with the laws of those countries: but, at the end of three years, the Judges of the upper half were liable to be sent down to the lower half; and this in itself seemed to be a most unconstitutional proceeding by placing it in the power of the Crown to remove, or rather degrade, a Judge, or no wrong done. If these difficulties were inseparable from the constitution of the new Court, it was all the more incumbent on them to consider whether the old tribunal was not, on the whole, a more satisfactory Court of Appeal.

LORD HATHERLEY said, he would have inferred from the last speech that the noble and learned Lord (Lord Penzance) intended to propose the repeal of the Act and to oppose the second reading of this Bill. As to the resignation of their Lordships' jurisdiction, he should reserve any remarks he had to make until he saw the plan it was proposed to substitute for the new Court of appeal. He did not admit that the question of a second appeal had any material bearing upon the subject. Before the Act was passed there was a Committee of this House which considered every alternative; and the noble and learned Lord on the Woolsack proposed a scheme which would have saved their Lordships' jurisdiction if anything could have saved it. He believed the Act was founded on sound principles, and was calculated to uphold the dignity of the House.

LORD REDESDALE said, it was not an open question whether they were going to reverse the policy of the Act, because the Bill did that for England by giving a second appeal; and, that being granted, the question again arose whether their Lordships' House was not the best Court for the purpose in view. It was admitted last year by the noble and learned Lord on the Woolsack that the new Court would not have the *prestige* of their Lordships' House. There never had been the least complaint from Eng-

land against that House as a Court of Appeal, and the feeling which had been expressed in Scotland and Ireland was well known. Therefore, those who had brought causes to it were satisfied with it and desired its jurisdiction to be preserved; and he believed that the preponderance of opinion among the members of the Bench and the Bar was in favour of maintaining it.

LORD WAVENEY said, that in conversation with a high judicial authority in Scotland (the late Lord Murray), he had expressed implicit confidence in the House of Lords as a Court of Appeal in Scotch cases, even though the Law Lords did not include any Scotch Judges, because he said the decisions were submitted to men conversant with the highest principles of jurisprudence. He thought this was strong evidence of the satisfaction of the Profession in Scotland. He had been at some pains to satisfy himself on a recent visit to Ireland that the Profession there was content with their Lordships' House. He could not help thinking there was a defect in the Act or in the Bill in the absence of a declaratory clause with regard to the effect the change would have on our general jurisprudence and the hearing of appeals from all parts of the Empire. There ought to be no doubt whatever as to what the jurisdiction of the House was to be in the future. Let it be supposed that a case which was now exciting great attention in the Peninsula of India should in any circumstances follow the course of a great cause in the last century—it would be a great disadvantage to the Colonies if it were thought that the power of ultimate appeal to that House had passed away from their Lordships.

THE LORD CHANCELLOR said, he hoped it would not be thought that he undervalued the arguments which had been adduced by his noble Friends if he did not now refer to them at length. Understanding that the whole question would be raised on a future occasion, he hoped that his noble Friend at the Table (Lord Redesdale) would adopt the suggestion which had been thrown out by his noble and learned Friend (Lord Selborne), and be prepared when the Bill went into Committee to explain the scheme he would substitute for the Act of 1873. He would fix the Committee for that day week, or if his noble Friend pre-

ferred Thursday in that week, which was also an open day, he would say Thursday; but having regard to the state of Business in their Lordships' House, he did not think it would be convenient to postpone the Committee beyond Thursday week.

LORD REDESDALE hoped a little more time would be allowed. There was nothing in the state of the Business either of that or the other House of Parliament which required so much haste, and he did think it most important that an opportunity should be given for a further expression of opinion by those best qualified to pronounce it upon this subject. The other House of Parliament were fully engaged with a variety of measures, and if this Bill were sent down to them they could not take cognizance of it for a considerable time to come. The matter was really of so much importance that he hoped their Lordships would induce the noble and learned Lord on the Woolsack to allow some further time for the Committee.

EARL GRANVILLE said, he would only make one observation. He hoped whatever time was allowed before the Committee would enable the noble Lord at the Table (Lord Redesdale) to adopt the very reasonable request of his noble and learned Friend — namely, that he should give the House the advantage of having the alternative scheme before them.

THE DUKE OF RICHMOND must remind the noble Lord at the Table that this was not the first time this subject had been discussed. No subject had been more thoroughly considered and discussed during the last two or three Sessions. The noble Lord wished further time in order to get up more opposition to the scheme; but, as he stated on the first night of the Session, it was the intention of the Government, if possible, to pass this Bill, and he did not think it was too much to ask their Lordships to go into Committee on Thursday week. He could not believe that the noble Lord was not prepared with some substitute for the Act of 1873, unless he really meant to turn matters into utter chaos. He should certainly endeavour to persuade their Lordships to go into Committee on Thursday week.

LORD REDESDALE observed that if nothing were done beyond retaining their Lordships' jurisdiction there would

be nothing of chaos whatever. There was no embarrassment in their appellate business, and the country was perfectly satisfied with the manner in which it was conducted.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday the 4th of March next.

LAND TITLES AND TRANSFER BILL. (The Lord Chancellor.)

SECOND READING. (NO. 11.)

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^a." — (The Lord Chancellor.)

LORD SELBORNE said, that in some important respects this Bill differed from that of last year. The Bill which he had the honour of introducing in 1873 was greatly improved in the last Session, partly by his noble and learned Friend on the Woolsack, but principally by the revision of Vice Chancellor Hall. The present Bill had also, he cheerfully acknowledged, undergone, in some respects, further improvement — more, however, in matters of form than of substance. But, having said this, he must accompany it with some material qualifications. He was not going into details now, which were more fit to be considered in Committee; it occurred to him, however, that the Bill in some respects left things obscure which were clear in the former measure. It did not, he thought with sufficient clearness, define the nature of the legal title which he presumed it was the intention to give to every registered owner as against all subsequent unregistered titles. The former Bill was better expressed in this respect, which said that all unregistered interests should be deemed equitable and not legal interests, the legal estate, with a power of sale, being in all cases in the registered owner. These, though important, were questions of expression, which, if at present defective, could easily be, and would, no doubt, be set right. But on two other points his noble and learned Friend had intentionally made changes, in the wisdom of which he could not agree. In the former Bill there was a provision which said that after a certain period upon all transactions

The Lord Chancellor

sale involving the fee simple of land, registration should be compulsory. His noble and learned Friend, for reasons which he had stated to the House, had thought it right to omit altogether that compulsory clause. And further, in the 21st clause of the Bill his noble and learned Friend had introduced a provision which would enable the proprietor at any time after registration to withdraw the title from the registry and put the land back under the old system. These changes were entirely opposed to the whole policy of the measure, and gravely compromised its promise of large and general utility. After fully considering these changes and the reasons which his noble and learned Friend had given for them, he must say that he regarded them with the greatest apprehension and the greatest disappointment. There was an essential difference between a measure which merely added one more to the methods of conveyancing of which men now had the choice, and one which made registration compulsory and irrevocable. The two systems were wide as the poles asunder. That which made registration compulsory and irrevocable was the proper instrument and machinery for introducing a general reconstruction and reform, gradual and progressive, into the whole system of land titles and land transfers. He ventured to say it could not be done without. Until you arrived at the point of compulsion, and at the same time made registration irrevocable, you would not say anything like a sure and substantial foundation for the abolition of the embarrassing and obstructive system of deduction of title and conveyancing. Another incidental advantage of an effective and general, over an ineffective and partial, change, was this—that it would enable us to get rid of some of those delusions and misconceptions as to what was called “the land question”—the present condition of landed property, and its relations to other property—delusions and misconceptions which grew out of the present difficulty of dealing with property in land. He admitted the system to which he referred could be introduced only gradually and progressively. But if you required registration upon every sale of land in fee simple after two or three years, you would get a new start from that time forward; in the case of that

property you would get rid of conveyancing altogether in all future transfers, and in the course of 30 or 40 years the title would be clear. That system would be attended with yearly increasing advantages, and after the lapse of one generation would completely substitute a simple and sound system for one which on all hands was admitted to be complex, unsatisfactory, and productive of public inconvenience. His noble and learned Friend had alleged three reasons for making the change which he had introduced—first, that the proposal as to compulsion was not in itself universally applicable, being limited to cases of sale; secondly, that it would be scarcely possible to apply it to very small transactions; and lastly, that it would render necessary the appointment of district Registrars throughout the country, and that there would be great difficulty in procuring the necessary funds for the support of so expensive and large a scale of establishments. Well, he had considered all these points, and the result of his consideration was, that he believed they were only some of those “lions” which always got into the path when we wanted to disturb an existing system, and that we had only to face them boldly and they would disappear. As to the objection that the proposal would leave untouched a great part of the land of the Kingdom, he did not think it very forcible. If you touched all the land that was put up for sale, you would deal with a great portion of the land of the Kingdom, and with all that part which, in the natural course of things, became marketable, and for the purposes of the commerce in land required to be dealt with. And then, with regard to those small transactions which his noble and learned Friend had rightly described as being effected without an expensive deduction of title, did not they occur in Middlesex and Yorkshire, as well as in Birmingham? The existing registers of deeds in those counties were compulsory, and were much more burdensome than the registry under this Bill need be; yet they did not prevent these small transactions. What reason was there to suppose that there would be any serious addition to the cost of conveyance in connection with small transactions? There would be general rules prescribed for the process of registration, and the proceeding would be so

simple that he could not conceive it would involve more than a trifling fee, less than the expense of even the shortest deed. Another objection of his noble and learned Friend had reference to the difficulty of establishing a sufficient number of registries. It would be necessary, no doubt, to have in London a highly qualified body of Examiners, and it might be desirable that some of them should go at times into the country; but their services would not be needed in the case of the small local transactions to which he was now referring. He could not help thinking the difficulty was imaginary, for there were at present local registries of various kinds throughout the country which might be utilized for the purpose now under consideration. In dealing only with the registration of possessory titles and of subsequent transfers, the rules prescribed would be so simple that, for his part, he could see no reason why the existing County Court and Admiralty Registrars, and the district Registrars of the Probate Court, should not be entrusted with the duty. Whether the transactions were numerous or not, the Registrars would probably be found ready to undertake the work for the sake of the fees. There were, indeed, in every important country town, experienced and respectable solicitors who would do it for the sake merely of the position and credit it would bring them, and who were perfectly competent to the task. He thought, therefore, that local registers could, and might, be established, at no real cost to the public; and it would be well for the public to try the experiment, even at some little cost. His noble and learned Friend had said that if the system was found to be good, it would be voluntarily adopted, and might reasonably be expected to become general. But this was hardly the right way to attempt a large and important reform of a vicious system. Sometimes it was said that from unworthy and mercenary motives the members of the legal profession who were now engaged in conveyancing were opposed to reforms of this description. No doubt, in every profession there were some men whose motives were less worthy than those of the greater number of its members; but, looking upon the profession of the law as a whole, he thought it a highly honourable one, and that its members were ac-

Lord Selborne

tuated by as worthy motives as those of any other profession in the Kingdom. Yet one must take account of the disinclination to change, and the *vis inertiae* which always stood in the way, when a radical alteration was proposed in a system to which people had become accustomed, and in which they had acquired skill and experience. He had spoken of the "lions" which were in the path, when they sought to make registration compulsory; but it was certain that if they left the new system to make way for itself, there would be an abundance of "lions in the path," and hedges of thorns springing up in all directions, which would, if not entirely frustrate, at all events, greatly diminish the good which might be achieved. These were reasons why he thought his noble and learned Friend would do well to reconsider those points in his Bill, for unless some alteration were made in the direction he had pointed out, the value of the measure would be materially impaired in the eyes of the public. It was not his present intention to move Amendments in opposition to the proposals of his noble and learned Friend, but he had thought it right to make these remarks, both to explain his reasons for having originally advocated compulsion, and because he had a deep sense of the importance of the subject.

THE LORD CHANCELLOR thanked the noble and learned Lord (Lord Selborne) for the criticisms he had passed at the outset of his speech upon particular clauses of the Bill, and he undertook that before going into Committee, he would consider carefully the suggestions which had been made, with the view of removing any ambiguities which might be found in the provisions as they now stood. They were both agreed, he thought, as to what it was intended to express, and, this being so, it would probably be easy to make the necessary corrections. His noble and learned Friend had referred to another matter—one of great importance—namely, the question how far a measure of this kind could safely be made compulsory. He would not dwell upon the power given by the Bill in its present form to remove from the register land which had once been registered. This was a point which was still open, and one which could be settled in Committee. With regard to the larger question, he wished to say

that it was after great hesitation he had withdrawn the provisions of the Bill of last year which would make the registration compulsory. He had stated on a former occasion the reasons which had led him to that conclusion, and he ventured to think those reasons had hardly been met by the observations of his noble and learned Friend. But he would repeat that it was a question which ought to be fully discussed by the House, and he hoped it would be discussed with regard solely to the merits of the case. What he was afraid of, was attempting to force registration upon the public in a manner which might excite intense dissatisfaction, and which might lead to an effort to get rid of the new system altogether. He thought that the noble and learned Lord would find that the substitutes he proposed for the local registries would prove very unsatisfactory. He trusted, however, that his noble and learned Friend would raise the question of compulsion in Committee, in order to take the opinion of their Lordships upon the point. The Committee would be taken this day week.

After a few words from Lord WAVE-
NEY,

Motion agreed to :—Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

House adjourned at a quarter past Eight
o'clock, to Thursday next, half
past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 23rd February, 1875.

MINUTES.]—NEW MEMBER SWORN—Samuel Stephens Marling, esquire, for Stroud.

SELECT COMMITTEE—Loans to Foreign States, appointed; General Carriers Act (1830), appointed; Turnpike Acts Continuance, appointed and nominated.

PUBLIC BILLS—Resolution in Committee—Police Magistrates [Salaries] *.

Ordered—Burghs and Populous Places (Scotland) Gas Supply *.

IRELAND—THE IRISH CONSTABULARY.

QUESTION.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, Whether Constable Joseph Webster, together with thirty-

one other constables and sub-constables, were discharged from the Royal Irish Constabulary, on the 31st of July 1873, on account of ill health and long service; and, if it was a fact that those men were thereby deprived of eight pound some odd shillings each back-pay, to which they would be justly entitled if allowed to remain in the service one day longer?

SIR MICHAEL HICKS - BEACH : The present Government are in no way responsible for what has been done. The facts of the case are, I believe, as follows:—Constable Webster and 31 other men were pronounced unfit for further service by a Medical Board on the 9th of July, 1873. According to the usual practice in such cases, their pay was made to cease on the 31st of the same month, and their pensions to commence on the 1st of the following month. In accordance with the terms of the Act 36 & 37 *Vict.*, c. 74, s. 1 (last paragraph), the men in question, together with many others almost similarly circumstanced—having ceased to be members of the Force before the 1st of August, 1873—were excluded from the benefits of the increased rate of pay which commenced on the 1st of December, 1872.

IRELAND—LOCAL TAXATION—THE GRAND JURY LAWS. QUESTION.

MR. MACARTNEY asked the Chief Secretary for Ireland, Whether he proposes, after introducing a measure to establish in Ireland a new area of taxation for county purposes, to legislate further, during the present Session, with a view to alter and improve the Grand Jury Laws in that part of the Kingdom?

SIR MICHAEL HICKS-BEACH, in reply, said, his hon. Friend seemed to have failed to apprehend the purport of the Answer which he had some time ago given to the hon. Member for Limerick (Mr. O'Shaughnessy) in connection with the subject. He then intended to say that, finding the area of Poor Law chargeability was very much connected with county taxation and management, he hoped to introduce a scheme to the notice of the House which would include both those questions. He had such a scheme in preparation; but he feared some time must elapse before he could

present it to the House. It dealt with a difficult and complicated subject, and ought not to be proceeded with without full and careful consideration.

TIPPERARY NEW WRIT—MR. MITCHEL QUESTION.

MR. P. J. SMYTH asked Mr. Attorney General, If, having regard to the Resolution of this House declaring John Mitchel to be incapable of being elected or returned as Member of Parliament, it is optional with the Sheriff of Tipperary either to receive or reject a properly filled nomination paper presented to him on behalf of Mr. Mitchel?

THE ATTORNEY GENERAL: I am as desirous as any person can be of answering, to the best of my ability, all such Questions as may be put to me by hon. Members; but I must submit to the House that there is a limit to the privileges of hon. Members in respect of Parliamentary questionings; and I venture to think that the hon. Member for Westmeath has passed that limit in asking me as to the course which the Sheriff of Tipperary should pursue in the possible event of a nomination paper being presented to him, filled up with the name of a gentleman who has been declared by this House incapable of being elected. The Sheriff is both a ministerial and a judicial officer, and it appears to me—and I trust that the House will agree with me in thinking so—that it would not be consistent with my duty as Attorney General to express an opinion in this House as to the way in which the Sheriff of Tipperary should discharge his duty in a possible state of circumstances.

MERCHANT SHIPPING ACT—MISSING VESSELS.—QUESTION.

MR. CHARLES WILSON asked the President of the Board of Trade, Whether Board of Trade inquiries have been held to ascertain the cause of loss of the following steamers:—Alice 975 tons, Bride 1,341 tons, King Leopold 867 tons, Scorpio 885 tons, Stad Brugge 1,128 tons, Viceroy 1,139 tons, George Batters 1,116 tons, Berar 1,033 tons, Kathleen Mary 1,268 tons, Thornaby 1,472 tons, reported as missing, and supposed to have foundered, with all hands, in the months of October, No-

vember, and December 1874, and January, 1875, and the reasons for holding or not holding inquiries in each case; similar information as to the following steamers:—La Plata 1,218 tons, Clifton 543 tons, Precursor 791 tons, Violet 1,281 tons, Alpha 1,292 tons, Emma David 1,733 tons, Cortes 1,517 tons, abandoned and, in some cases, with loss of life during the same period of time; and, whether the Board of Trade propose to compensate Captain Robson, of the steamer "Alpha," of Hull, for the injury done him by the cancelling of his certificate for twelve months, which has since been returned to him?

SIR CHARLES ADDERLEY, in reply, said, the first 10 steamers had been reported by their owners as missing, and all that could be supposed was that the steamers, with their crews, had all gone down, and therefore, in the absence of any kind of evidence, there had been no inquiries made, except in the case of the *Viceroy*. In that case, the Board of Trade tried if they could in any way investigate the cause of her loss, and sent to the port from which she started for evidence. They were, however, unable to obtain any. He must, however, ask the House to listen to what Mr. Travis, before whom the inquiry was held, said on that occasion. He expressed his deep regret that so much valuable time had been wasted by calling witnesses who practically had been of no use whatever, and said that his regret was increased by his opinion and that of the assessors that the liberality of the Board in granting unusual facilities for the production of evidence had been abused in a manner utterly indefensible. The *George Batters* was surveyed before she went to sea, and pronounced seaworthy. If reported otherwise, the Board of Trade would have instituted inquiry about her. Of the list of seven steamers, six had been inquired into, but not the *Emma David*, she being a foreign ship, and lost out of British jurisdiction. In the case of Captain Robson, of the *Alpha*, the Court suspended his certificate for two years. The Board of Trade had no power to pass sentence, but it had to remit it when passed, and on reviewing the circumstances the Board restored his certificate. There was no power under any Act of Parliament to compensate Captain Robson for his loss of time.

Sir Michael Hicks-Beach

FACTORY AND WORKSHOPS ACTS— THE CANAL POPULATION.

QUESTION.

MR. WILLIAM PRICE asked the Secretary of State for the Home Department, Whether his attention has been called to the neglected sanitary and educational condition of our Canal population; and, whether as a Royal Commission is about to inquire into the expediency of extending the provisions of the Factory and Workshops Acts to certain classes now exempt from their operation, he is willing to recommend that the condition of our Canal population should be included in the inquiry?

MR. ASSHETON CROSS, in reply, said, his attention has been called to the very neglected condition, both in a sanitary and an educational point of view, of what was termed our floating population on the canals of this country. There might, however, as the children in question were not employed in workshops or in labour which came under the operation of the Factory and Workshops Acts, be some difficulty in including them in the inquiry to be made by the Commission which was about to be issued. He hoped, nevertheless, to find some remedy for the existing state of things, and he would undertake that a sufficient investigation should be made into it in a formal shape.

METROPOLIS GAS (NEW WORKS) BILL.

QUESTION.

COLONEL MAKINS asked the hon. Member for Truro, Whether it is a fact that the costs of a private Bill, the "Metropolis Gas (New Works)" introduced by the Metropolitan Board of Works, and withdrawn before the Second Reading, amount to several thousand pounds; and, whether he would state the amount and out of what funds such costs are proposed to be defrayed?

SIR JAMES HOGG, in reply, said, the accounts not having yet been received by the Metropolitan Board of Works, it was quite impossible for him to give the House any idea what the amount was. When they had been sent in they would, after due investigation, be placed under the head "Legal and Parliamentary Expenses," and would be charged in the usual manner against the revenue of the Board.

MERCHANT SHIPPING ACT— SHIPPING DISASTERS.

QUESTION.

MR. MACIVER asked the President of the Board of Trade, How many prosecutions there have been under Clause 11 of the Merchant Shipping Amendment Act of 1871; and what have been the results of such prosecutions; if he is aware that ten British steamers have foundered in the Bay of Biscay during the last six months, drowning upwards of two hundred people; and how many inquiries have been held or are likely to be held in regard to these disasters; and, whether, supposing any of these vessels to have been unseaworthy, it is proposed to prosecute anybody; and, in such event, how he proposes to reach the persons responsible for the improper condition in which vessels that have gone to the bottom, with all hands, sailed from foreign ports homewardbound?

SIR CHARLES ADDERLEY: There have been several prosecutions under consideration. The cases of the *Nimrod*, of Belfast, the *Mary*, of Glasgow, the *Alcedo*, of Waterford, the *Cores*, of Whitehaven, and others are now in the hands of the Crown Lawyers. But there has been no Public Prosecutor hitherto; now the Board of Trade have a solicitor. Hitherto prosecutions have been conducted indirectly by correspondence between the Board of Trade and the Home Office, the Treasury, and the Law Officers. Of the 10 steamers named, five are reported as having foundered in the Bay of Biscay, with 100 lives lost; five are missing. Inquiries have been held in the first five cases—namely, the *La Plata*, *Cortes*, *Mary*, *Clifton*, and *Alpha*—and inquiries will be held in the other cases if any trustworthy evidence should be forthcoming. Of the first five, the *Mary* was found by the Court to have been unseaworthy, and the case is in the hands of the Lord Advocate for a criminal prosecution. As to homeward-bound ships from foreign ports, it is the Consul's business to report any suspicious cases, and he may summon a Naval Court which can order survey. Owners of unseaworthy ships would be prosecuted on evidence sent home by the Consul.

MR. PLIMSOLL: I beg to give Notice that to-morrow I shall ask the President of the Board of Trade, on what

authority he imputes to me any responsibility for the inquiry into the case of the *Viceroy*, as at the present moment I am entirely unaware of having had anything to do with it; and, whether he thinks it wise on the part of the Board of Trade to parade themselves before the public continually by attacking me without just reason?

PARLIAMENTARY ELECTIONS (TRIAL OF PETITIONS).

MOTION FOR A SELECT COMMITTEE.

MR. SERJEANT SIMON rose to call the attention of the House to the operation and present uncertain state of the law relating to the trial of Election Petitions, and to move—

"That a Select Committee be appointed to inquire into the working of the 'Parliamentary Elections Act, 1868,' and to report what, if any, Amendments are necessary."

The hon. and learned Gentleman said, that the subject to which he was about to call the attention of the House was one of considerable importance. It concerned the dignity of the House, its composition, its privileges, and the independence of its Members. Happily that was not a party question. It affected both sides alike, and every constituency in the kingdom, Conservative or Liberal. He need not remind the House how jealously they had claimed, and for centuries had exercised, the right of determining all questions relating to the return of Members to sit there. Until the passing of Mr. Grenville's Act, in 1770, those questions had been decided by the House itself. From that time down to 1868, when the present Act was passed, the jurisdiction over Election Petitions had been delegated to Committees appointed from time to time. In 1868, the House, after an inquiry before a Select Committee, and after lengthened debate, parted with that power, and transferred it to a new tribunal outside the House, created for that purpose, and independent of the House. He was not going to question the policy of that proceeding. It was probably too late to do so now; and if he said anything upon the subject, he wished it to be understood that it would be simply for the purpose of illustration, to show how the new system had worked, and what had been its necessary conse-

quences. The right hon. Gentleman at the head of the Government, on a recent occasion, said that the Act of 1868 had, upon the whole, worked well, although, as he (Mr. Serjeant Simon) understood him, it was susceptible of amendment and improvement. He agreed to a certain extent with the right hon. Gentleman. The investigation of election cases by the Judges had the advantage of despatch, and of being free from any imputation of political partizanship; but, in other respects, he did not think that the Act had been a success. It had been always held, as a cardinal principle of constitutional government, that the legislative and executive functions of the State should be kept apart, and independent of each other, each in its own proper province, and that it was detrimental to both, and to the public weal, that they should be brought into conflict. Here, however, under this Act, the Judges of the land—the judicial branch of the Executive power—were brought into continual conflict with the House of Commons, and with popular opinion as well, upon matters of mere political partizanship. Their judgments were questioned and discussed—sometimes angrily discussed—both within and without the House; and what was the consequence? The dignity and authority of the Bench must be lowered, and public confidence in the administration of justice weakened by these unseemly conflicts. That was not a state of things that ought to continue, for however important it might be to have an efficient tribunal for the trial of Election Petitions, that was a small matter in comparison with the general administration of justice. The Judges, moreover, had been taken out of their proper sphere, and called upon to discharge duties, and to exercise functions entirely new to them, and wholly out of the range of those investigations to which they had been accustomed. The Act of 1868 required every year a *rota* of three Judges to be appointed in England, and three in Ireland. The last Parliament continued five years; so that in England there had been 15 different Election Judges, and in Ireland 9; making in all 24 tribunals consisting each of a single Judge, each sitting alone and apart from the others, independent of each other, without the opportunity of consulting one with

Mr. Plimsoll

the other in cases of doubt or difficulty; and each of these tribunals so constituted was charged with the duty of deciding and determining questions of fact as well as of law; and against its decision, except in certain cases, there was no appeal. How was it possible to obtain, or to preserve, uniformity in the law; or to prevent dissatisfaction with decisions arrived at under such circumstances? What did the Judges themselves say on the matter? Before the Committee of 1869, Mr. Justice Willes, in reply to the question, whether he would like to have four Members of Parliament associated with him, said—

“Two would be sufficient; they would afford the greatest relief to me personally, and would, I think, strengthen the tribunal.”

Mr. Justice Blackburn, before the same Committee, said—

“If two Members of Parliament would serve, it would greatly improve the tribunal, and be a means of relief to myself.”

The same learned Judge, in delivering judgment in a complicated election case, said, speaking of the difficulty of his position in having to decide alone upon the facts, that he had “to apply his common sense to the facts” before him; but,” he added, the “common sense of one Judge must differ from the common sense of another;” and he quoted the famous saying of Selden, “that a standard of common sense on the part of Judges would be as uncertain as a measure of length of which the unit was Judge’s foot,” and he then used these words—“I wish with all my heart that the Legislature would find out some test to relieve us from that uncertainty.” He (Mr. Serjeant Simon) did not think it possible for the Legislature to discover such a test; but it had the power, which he hoped it would exercise, of so constituting the tribunal as to relieve the Judges from undue responsibility, and assist them in arriving at satisfactory decisions upon questions of fact while securing uniformity in the decisions upon questions of law. [The hon. and learned Member then proceeded to cite a number of decisions pronounced by Election Judges, in order to show that, as the law admitted of many diverse readings, it was necessary to amend it.] For instance, he said, a lawyer hearing the term “agent” would understand it to refer to a person appointed by another to act

for him under a given authority, and whose acts would bind his principal only so far as they were in accordance with the authority so given. In election matters this was different. It had been laid down that, the relation between a candidate and his agent was analogous to that of master and servant, and further, that the candidate was not only responsible for the acts of his agent, but responsible even when the agent acted contrary to, and in direct defiance of, the instructions which the candidate had given him. Purity of election was, of course, the principle upon which the law so laid down was based; but it surely was a matter well worthy of consideration whether there ought not to be some limit to this doctrine. Indeed, it was too stringent to be always acted upon, and accordingly they found that the Judges themselves had endeavoured to relax its severity, as he (Mr. Serjeant Simon) would presently show. In one case, a learned Judge held that a candidate who had instructed his agent in these words—“Do not bribe; I will not be responsible for it,” was nevertheless responsible, although the agent had positively disobeyed the instructions of the candidate. In another case, however, a learned Judge said, that where an agent acted inconsistently with the intentions and determination of the candidate, expressed in his public communications with the electors, the inference was, that the act was not authorized by the candidate, and he therefore was not responsible for them. Again, it had been decided to be immaterial whether the candidate was aware of the fact that his agent had been treating, and that even though the majority on the poll was not composed of persons treated, the seat was forfeited. In another case, however, a decision the reverse of this was given under very similar circumstances. With regard to treating, it had been laid down by a most distinguished Judge, that the intention was the test of a corrupt act, and that a thimbleful of drink given with a corrupt intention was sufficient to void an election. Another Judge, however, ruled that drink given by an agent in order to keep voters quiet who, during the election, had informed him that the other side were busily engaged in treating, was not

corrupt, because it had not been given voluntarily, but under pressure, in order to keep the voters quiet; while a third learned Judge, in Ireland, held that treating, in order to be corrupt, must be proved to have operated so as to change the mode in which the elector would have voted. There were also judgments with reference to the payment of the rates of voters, and bribing at municipal elections in order to influence subsequent Parliamentary Elections, which it was very difficult to reconcile. In some instances, payment of rates by an agent had unseated the Member; in others, it had not. Bribery and treating at a municipal election shortly before a Parliamentary Election had not unseated a Member; while in another it had. Of course, there were differences in the circumstances of each case, but not such differences, he ventured to affirm, as might be expected where such opposite judgments had been pronounced. Then, with regard to money bribery, it had been held that a single bribe was sufficient to void an election, and that, too, even where the bribed voter voted contrary to his promise, and against the candidate on whose behalf he had been bribed. This principle of a single bribe voiding an election was applied in the Norwich case, and applied under very peculiar circumstances, for it involved another point of election law—namely, the influence of an act done at a previous election upon a subsequent election. In the Norwich case, Mr. Tillett was unseated, not for any act done at the election in question, or for any act done by him, or on his account; but because, at an election two years before, the agent of the candidate with whom Mr. Tillett coalesced, and who, after the coalition, acted for both, bribed a voter to vote for that other candidate, and he had voted for both. Mr. Tillett failed at that election, but stood again at the next vacancy, and was unseated upon Petition because of the bribe so given at the former election. The learned Judge who tried the case said he had—

“Arrived at a perfectly clear conclusion that Mr. Tillett really and in all sincerity desired to conduct all election matters in which he was engaged with the utmost purity, and free from anything approaching to illegality or bribery. It seems to some people hard,” said the Judge, “that a single act of bribery should void the election, but, in truth, it is not hard at all; but

where an act of bribery is committed, the election is tainted. It is no longer an election; it is utterly void. I consider,” said he, “that Mr. Tillett was desirous of conducting the election of 1868 with the greatest purity, and I consider that the result is undoubtedly a cruel consequence of the Law of Election, which, however, is a necessary law—a law arising from the necessity of the case.”

Mr. Tillett was unseated. But what said another Judge in another case? He said, speaking of a single act of corruption—

“I cannot take it as a hard-and-fast rule that, whenever a case of corruption can be proved within the letter of the Act, therefore the seat should be declared vacant. Each case,” he said, “must be taken with reference to the facts taken together,”

and he refused to unseat the Member. So also, in another case, another learned Judge refused to unseat a Member on the ground of a single bribe. To quote his words, he said—

“One would really be sorry to upset this election, unless it could be shown beyond a doubt that these acts of alleged bribery,” (amounting in all to half-a-crown), “were done by the candidate.”

But it had been laid down already that a single bribe of half-a-crown was sufficient to void an election, even though the act of the agent in bribing had been directly contrary to the express instructions of his principal, and in spite of them. With regard, also, to the influence of corrupt acts at a previous election upon a subsequent one, there was a case in which payments by a candidate after an election as “debts of honour,” in respect of corrupt acts done at a previous election, at which he had failed, did not effect his return at a subsequent election, and the candidate retained his seat. With respect to treating, too, where refreshments had been ordered at a public-house, and voters were regaled there, and afterwards driven to the poll to vote, the learned Judge, while he condemned these and other proceedings at the election, saying that “the course pursued shows that it was known to be wrong,” and that he had no doubt of the treating, yet he held that “it was not corrupt, considering the customs of the people.” He (Mr. Serjeant Simon) would ask, in all respect could anything like a safe guide be found in these varying decisions? Payment of voters’ expenses in going to vote has been a subject of not unfrequent consideration

Mr. Serjeant Simon

an Election Petitions, and one learned Judge very properly described it as a means of giving gratuities in the shape of excessive payment for travelling expenses. In a well-known case—"Cooper v. Slade"—the House of Lords decided that a promise to pay a voter's travelling expenses, conditionally upon his voting for a particular candidate, was an offence under 7 & 18 *Vict.* c. 102; but the Judges were divided in opinion as to whether an unconditional promise—that was to pay, a mere promise to pay a man's expenses for going to vote, without specifying how he should vote—was a corrupt act. A statute was afterwards passed, 21 & 22 *Vict.* c. 87, declaring that to provide a conveyance was lawful, but that it should not be lawful to pay any money, or give any valuable consideration to a voter for, or in respect of, his travelling expenses. It has since been held that, to provide a railway pass for a voter was not unlawful, while in another case the permission to tenants to shoot rabbits was declared to be corrupt, because rabbits had a money value. That was perfectly true; but it might occur to some that a railway pass had also a money value. It certainly had been so seated. In the Launceston case, the circumstances were these—The gentleman who was unseated, on coming in to the property, like his predecessors, reserved, or continued to reserve, the right of shooting the game on his estate. Complaints having been made by some of the tenants of the injury done by the ground game, he, like a good landlord, made arrangements for trapping them, and dividing some of the proceeds of their sale among the tenants who had been injured. This was some time before the election, and when the election was not thought of, and could not have been thought of. When the election came on, the rabbit grievance was brought up against him; and, finding himself unpopular, in a speech which he made during the election, referring to the rabbit grievance, he told his tenants to shoot all the rabbits, and do what they liked with them. "I am anxious," he said, "that every rabbit should be killed, and every tenant is at liberty to kill them as he can." The gentleman was unseated for giving this permission, on the ground, as he (Mr. Serjeant Simon) had said, that the rabbits had a money value. He (Mr.

Serjeant Simon) did not presume to question the decision. He pronounced no opinion upon it. All he wished to say was this—and it was his chief object in referring to the case—that the decision had excited much attention, and much surprise, and dissatisfaction had been expressed at it, and that this would not have been the case if the tribunal that pronounced it had been composed of more than a single Judge. So also of the Windsor case. Much astonishment and dissatisfaction had been expressed at the result of that case, and for the reasons assigned in the judgment. He (Mr. Serjeant Simon) did not feel it necessary to detain the House by discussing a question of casuistry as to whether, or how far, or in what degree, a good motive was tainted or destroyed by a bad one, or whether an illegal motive vitiated an act which of itself would otherwise be legal. He referred to this case simply as another instance of a class of cases as to which no amount of judicial learning or ability would render the decision of a single Judge satisfactory. He had hitherto referred to cases tried by single Judges. He had before him abstracts of 40 election cases; but he thought he had shown enough to satisfy the House that discrepancies were inevitable where they had a number of tribunals, each composed of a single Judge, and that confusion in the law must be the result where there was no general controlling power. He would refer to two cases more, however, in one of which the Judges of a Superior Court had differed among themselves, and where two Superior Courts had differed from each other. In the Galway case, the Court of Common Pleas in Ireland unseated a Member, the Chief Justice differing from the other Judges. The same question arose here out of the Launceston case. The question to which he (Mr. Serjeant Simon) referred was, as to the ineligibility of the candidate, and the time when, after certain acts, the ineligibility commenced. The Common Pleas of England gave a decision the very reverse of the decision of the Common Pleas of Ireland. They had thus two superior tribunals—the ultimate Courts of Appeal in each country—differing from each other, the one over-ruling the judgment of the other, upon the self-same question. But he (Mr. Serjeant

Simon) would offer a few remarks upon some points arising out of the defective provisions of the Act itself of 1868. When the case of the Tipperary Election was before the House in the Session of 1870, and the question of the eligibility of O'Donovan Rossa was discussed, it would be remembered that the right hon. Gentleman the late Member for Kilmarnock (Mr. E. P. Bouverie), raised the point whether it was competent to the House to entertain the question at all. He called attention to the 50th section of the Act, and contended that under that section the House had relinquished its power entirely over election matters, except where the Judge had made a Report. He (Mr. Serjeant Simon) took part in that discussion, and expressed his dissent then from the right hon. Member; but he (Mr. Serjeant Simon) was bound to say that his own opinion rested only upon construction. Now, an Act of Parliament such as that, and upon such a point, should be clear and definite; but here the vital part—so to speak, the very purpose and object of the Act—had been left an open question, and to be decided by a Resolution of the House. Another instance arose in the case of Mr. Mitchel's return, which was mentioned in the discussion in the House last week. According to the provisions of the statute, a Petition against a return, except in certain cases, must be presented within 21 days after the return of the Writ to the Clerk of the Crown, and he ventured to think that if some elector chose to say—"I thought when I was voting for Mr. Mitchel that I was voting for an eligible person; the House of Commons have declared that he is not, but I am not satisfied with their decision, I will appeal to a Court of Law," he might even now, the 21 days not having expired, petition the Court of Common Pleas in Ireland and have the question of Mr. Mitchel's eligibility decided there. In the debate last week, it was suggested by his hon. and learned Friend the Member for Oxford (Sir William Harcourt), that Mr. Mitchel might be returned again, and the question raised by another candidate's standing against him and petitioning for the seat. His own opinion, however, was, that they need not wait for that; that it was not necessary that another candidate should petition for the seat, but that it was open to any elector before the expiration of the 21

Mr. Serjeant Simon

days to petition against the return. It might thus turn out that the proceedings of the House had been premature, and that a solemn Resolution of the House of Commons was in direct conflict with the solemn judgment of a Superior Court of Common Law in Ireland, charged too by Parliament with the jurisdiction over this very matter. Perhaps it might be said that the Court of Common Pleas would take cognizance of the Resolution of the House of Commons; but as that Court had, at least, a concurrent jurisdiction, it would not be bound by a Resolution of the House. Such a conflict as he had indicated might arise, and that entirely because of the defective provisions of the Act. Of course, it was not to be expected that the framers of an Act of Parliament should foresee every possible contingency; but as contingencies of the kind he had mentioned had arisen, or had been seen to be possible, and even probable, we ought to consider whether the statute should not be amended, so as to prevent the recurrence of similar difficulties. There was another point worthy of consideration. The House might consider the Report of a Judge, and in doing so might criticize or dispute the correctness of the Report, perhaps even question the conduct of the Judge; but was it desirable or becoming to subject the Judges of the land, every now and then to angry comments and discussions in the House—comments, discussions arising generally out of disappointed party feeling, and very often from the mistaken views of those who questioned the decisions of the Judges? That was one of the great inconveniences of the new election tribunal. For his own part he professed no superstitious reverence for the Judges; but he might be permitted to say that, having passed the better part of his life at the Bar, he knew them well. They were high-minded men, devoted to the duties of their high office and sensitive of the honour of the Bench as of their own individual honour as gentlemen. Their conduct and their character should not be lightly touched, nor their judicial acts questioned in the House, which he ventured to say was not competent to deal with such matters. Apart from what was due to the Judges themselves, upon public grounds, it was in the highest degree objectionable. He had now concluded what he had

to say about the working of the Act. His object had been simply to point out the inevitable results—and only as inevitable results—the discrepancies and uncertainty in the law, and in the decisions arising out of the present system of a large number of independent and varying tribunals, composed of single Judges, called upon to decide both law and fact. But it might be asked—"What do you propose as a remedy for the evils you have pointed out?" What sort of tribunal would you have? It was not for him (Mr. Serjeant Simon) to provide a remedy. That was the duty of Her Majesty's Government. The subject was one especially within their province. There were also on the Treasury Bench several Members of the Government that brought forward the Bill of 1868, and caused it to be passed into law; and the present Prime Minister, he believed, had himself introduced it, if he was not the author of it. But if the Government should decline the task, then he would say that the proper course would be to refer the whole matter to a Select Committee. Without presuming to prescribe what should be done, he would throw out a suggestion or two which a Committee might fairly consider. A learned friend of his, Mr. Serjeant Pulling—a gentleman of great learning and ability—had devoted much attention to the subject when the matter was before the Committee in 1869, and in a pamphlet which he wrote, he recommended that the revising barrister, as assessor to the returning officer, should, immediately after an election, go down to the place, and hold an inquiry into the proceedings and deal summarily with all corrupt practices, and in certain cases where the return was questioned, the County Court Judge of the district should preside and inquire into the return along with them. Another suggestion which he (Mr. Serjeant Simon) would venture to make was, that the Election Judges should conduct the inquiry and simply report to the House, and that there should be a Standing Committee of its most experienced Members, to consider and determine upon the Report. The House would thus retain the power which it had so long exercised, and the Judges would be relieved from undue responsibility, while their Reports would be

received with confidence and respect by the Committee, and by the House. Another mode was suggested before the Committee of 1869, and that was to associate two or more Members of the House with the Judges. This, perhaps, would be the best possible method under the circumstances. The Judges, or some of them, as he had shown, had borne their testimony in favour of this plan. It would greatly assist and relieve them in trying the facts, and the right of appeal, not limited as it now was, but given as of right, upon all questions of law, would have the effect of keeping the law straight, and preserving uniformity, which was impossible under the present system. One subject more, and he had done. He would refer to it but briefly. It was supposed that in transferring the trial of Election Petition to the Judges there would be great saving of expense, especially as to the witnesses, who had formerly to be brought from remote places, and kept in town while the inquiry was going on. But the saving had not been so great after all, for against it there was the expense of three new Judges, and the taking them, with their suite, to the town where the trial took place. This expense fell upon the country; and besides that, there was the expense of special retainers, and heavy fees to counsel, which fell upon candidates and others concerned in the case, and which were considerably greater than they were when the cases were tried in town. He had now only to say how sensible he was of the kind of attention with which the House had listened to his remarks upon a subject which, however important and interesting to them, was necessarily of a very dry character. The hon. and learned Gentleman concluded by moving the appointment of the Committee.

SIR COLMAN O'LOGHLEN, in seconding the Motion, said, he thought the time had come when the Act of 1868, which for the first time took away a jurisdiction which existed in this and every other Legislative Assembly, and gave to persons outside the power to determine the right to sit in the House, should be considered by a Select Committee. He himself last year gave Notice of his intention to move for a Select Committee on the subject; but he had not an opportunity of bringing it before the House. The Act was origi-

nally introduced by the present Prime Minister as a permanent law; but on the suggestion of Mr. Mill, the late Member for Westminster, its operation was limited to three years. It expired in 1872, and had since been annually renewed by the Expiring Laws Bill without being submitted to the consideration of the House—a practice “more honoured in the breach than in the observance.” He found that the number of Petitions tried under the Act since it passed in 1868 was 48 relating to English constituencies in the last Parliament, and 21 in the present Parliament, making together 69; while in Ireland 17 cases were tried during the last Parliament, and four in the present Parliament, a total of 21; and in Scotland during the last Parliament one, and in the present Parliament three. It was complained of the old system that it gave rise to great and unnecessary expense and inconsistent and uncertain decisions. After the speech of his hon. and learned Friend there could be little doubt that under the present practice the state of things had not much improved. They had not got rid of inconsistent and uncertain decisions, and the expenses equalled, if they did not in some cases exceed, those of former days. Last Session he moved for a Return of the taxed costs, and he found that the average costs of each party in England was from £1,000 to £1,500. In the Oldham case the taxed costs amounted to £3,036 3s. 6d., and in the Southampton case to £2,951 6s. 4d. In Ireland the costs averaged from £1,000 to £1,500. The taxed costs of the petitioner in the Galway case amounted to no less a sum than £6,789 17s. 2d. Then some of the decisions had surprised him a good deal. For instance, in the Windsor case the following passage occurred in Baron Bramwell’s judgment:—

“As I have endeavoured to explain, I do not think that the considerations on which I am going to decide the case will be intelligible to any but lawyers.”

For an Election Judge to so decide a case was not a satisfactory administration of the law. There were also the contradictory decisions in the Galway and Launceston cases. In the first a decision was pronounced seating a Member which the Court of Common Pleas in England would not follow be-

cause it did not think it was law. They had two decisions of Ultimate Courts of Appeal different ways, and there were no means, except by Act of Parliament, of declaring what was the real law. The question arose, what was to be done under the circumstances? He was strongly opposed to transferring the consideration of Election Petitions from Members of the House to the Judges, and he agreed fully in the Letter of the Lord Chief Justice, laid on the Table, in which he said that the House was imposing on the Judges a duty which would expose them to great odium and was foreign to the purpose for which they were appointed. Forty years ago a Committee presided over by Mr. Buller, the only surviving Member of which he believed was his hon. and learned Friend (Mr. Roebuck), came to the same conclusion—that duties of this nature ought not to be given to the Judges. *Facilis est descensus*—and he feared it was now too late to take away from the Judges the power of deciding in election cases. He thought, however, that every Election Petition ought to be tried by two Judges instead of by one; and if the two could not agree the election ought to stand, and the successful candidate should be allowed to take his seat. It would be said they had not a judicial staff for the purpose; but that was a mere question of expense. A very serious matter was that if the Judge reported against any persons for bribery or corrupt practices they were exposed to a species of outlawry for a period of seven years, and yet they had no appeal from his decision. They had not even an opportunity of being heard before the Judge who reported their names. A remarkable, and now historical case, that of Galway, was a good illustration of that hardship. In that case Mr. Justice Keogh reported against the Archbishop of Tuam and two Bishops for corrupt practices or undue influence, and an Order was made by the House that they should be prosecuted by the Attorney General. One of the Bishops was tried before a Judge and a jury, and he was acquitted, to the satisfaction of everyone who heard the evidence. Still, he remained disqualified, under the Report of Justice Keogh, from taking part in any election until the seven years had expired, and the Archbishop and other Bishop were in the same position. But

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Motion made, and Question proposed, "That a Select Committee be appointed to enquire into the working of the 'Parliamentary Elections Act, 1868,' and to report what, if any, amendments are necessary."—(*Mr. Serjeant Simon*.)

THE ATTORNEY GENERAL said, that the subject to which his hon. and learned Friend the Member for Dewsbury (*Mr. Serjeant Simon*) had drawn the attention of the House was one which had been under the consideration of Her Majesty's Government for some little time, in consequence, among other causes, of the circumstances to which the

right hon. and learned Member for Clare (*Sir Colman O'Loughlen*) had referred. The House was aware that the Act of 1868 would expire at the close of the present year, and it would, therefore, become necessary to do one of three things:—to include it again in the Expiring Laws Continuance Bill—against which there was a strong expression of opinion at the close of last Session—or to bring in a separate Bill to continue or amend the Act, or to appoint a Select Committee to inquire into the working of the Act. The conclusion the Government had arrived at—and he might say they had done so before the Notice of the hon. and learned Member was placed upon the Paper—was, that, under all the circumstances, to proceed by the appointment of a Select Committee would be the best course. He understood from the observations of both his hon. and learned Friends that, in their opinion, the appointment of such a Committee should be made at the instance of the Government, and that it should be done during the present Session. He believed he might say that the Government would ask the House to appoint a Select Committee for the purpose of dealing with this question. It would be necessary, however, to consider a little more in detail the form of the Resolution by which the Committee should be appointed, and for this reason—that another very important Act connected with elections, the Act of 1854, would also expire at the close of this year. Under these circumstances, it would be undesirable that he should attempt to follow his hon. and learned Friends in discussing the general merits of the question. There was one thing, however, which he was glad to hear from the right hon. and learned Member for Clare, and that was that he had no desire to alter the character of the tribunal by which Election Petitions were to be tried—a tribunal which he (the Attorney General) thought had given general satisfaction. At the same time, there was force in the observation that the proceedings of the tribunal might be, in some respects, improved. He desired, however, to say that he did not concur in the opinion that there was so great a discrepancy in the decisions of the learned Judges as his hon. and learned Friends thought. A very difficult duty had been cast upon the Judges, and he thought their decisions could be

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reconciled when the different circumstances which affected their opinions were taken into consideration. Whether those discrepancies did exist or not, as also the various circumstances affecting them, could be all inquired into by the Committee. If his hon. and learned Friend thought it consistent with his duty to withdraw his Motion, he would undertake, on the part of the Government, to move on a future day for a Select Committee.

SIR GEORGE BOWYER entirely concurred in the Motion, but not in the remedies which had been suggested by the Mover and Seconder. When the Bill of 1868 was before the House, taking away the jurisdiction of the House, and giving it to a single Judge without a jury, he thought it was a very extraordinary and unconstitutional measure. How did the matter stand? If a man was indicted for an offence which would subject him only to a light fine or imprisonment, he had a right to be tried by a jury; and yet a Member of Parliament could be convicted without trial by jury, and by the Act of a single Judge, and subjected not only to the forfeiture of his seat in this House, but to grave disabilities. He had the greatest respect for the Judges; but the Judges were not trained or accustomed to try issues of fact without the assistance of a jury, and that accounted for the unsatisfactory nature of their decisions. With regard to the question of providing a remedy for the present state of things, he would remind the House that anciently the validity of returns of Members of Parliament could be tried at Common Law, on the return being traversed in the Court of Chancery, and sent for trial to the Court of Common Pleas. Moreover, there were two ancient statutes which bore upon this question—11 *Henry IV.* c. 1, and 6 *Henry VI.* c. 4—the former providing for an inquiry by a method resembling a coroner's inquest, whilst under the latter the inquiry was before a Judge and a jury at the Assizes; and it was a matter of grave consideration whether it would not be expedient to revert to the old principle of the Common Law and of the Constitution and provide for the trial of those questions as to the election of Members of Parliament before a jury. What he would suggest, was that where the return of a Member of Parliament was questioned in point of law, the Peti-

tion should be heard and determined not by the Lord Chancellor, as was formerly the case, but by the full Court of Common Pleas or the full Court of Queen's Bench; and that, where the return was questioned on matters of fact, the trial should be before a Judge and a special jury—a course which would be in accordance not only with the ancient law of this country, but with the principle that cases of this kind should be decided by the Commons, and that a man should be tried by his Peers. He did not wish to prolong the discussion now, but threw out the suggestion with the view of ventilating the subject.

SIR WILLIAM FRASER recommended that the question as to the amount of deposit required to be made by petitioners should be taken into consideration by the Committee, as he thought that the present amount of £1,000 was totally inadequate.

MR. SERJEANT SIMON said that, after the statement made by the Attorney General, he would readily withdraw his Motion. His only object was to procure inquiry, and he thought that object would be best attained by means of a Committee.

Motion, by leave, *withdrawn*.

LOANS TO FOREIGN STATES.

MOTION FOR A SELECT COMMITTEE.

SIR HENRY JAMES rose to move that a Select Committee be appointed—

“To inquire into the circumstances attending the making of Contracts for Loans with certain Foreign States, and also the causes which have led to the non-payment of the principal money and interest due in respect of such Loans.”

The hon. and learned Member said I can assure the House that I am sensible of the responsible nature of the task I have undertaken in submitting the Motion with which I shall conclude my observations. I am sensible of the responsibility, especially, because I feel that in the course of the statement I am about to make to the House, I shall, out of necessity, be making charges against certain persons resident in this country; but, for my own part, I shall content myself with making a simple, and, I trust, a brief statement of certain facts which I think sufficient to justify the inquiry I am seeking for. If those inquiries subsequently prove the existence of those facts, the facts themselves must

be answerable for the charge, and not the person who introduces the Motion. Perhaps it may be in the knowledge of many hon. Members that at this moment the amount of foreign debt in relation to which there is default amounts to the large sum of £240,000,000. The extent to which that stock is held by creditors in this country I am unable to state to the House; but without doubt a portion of that sum of £240,000,000 is very largely held by English creditors. In relation to many of the countries that are in default, I do not seek to apply this Motion. In those cases the circumstances under which the loans have been raised have all been known to, and probably investigated by, the Government of this country in past times. I am not seeking to re-open those questions. I am not asking Her Majesty's Government to interfere on behalf of the English creditors against all those States that have made default. It is a burden which, according to the habits of Governments, I do not say they ought to bear; but I am endeavouring to deal with, and if possible to destroy, a system that has sprung up comparatively of late years, of bankrupt States, knowing themselves to be in a state of complete bankruptcy, recklessly coming into this English market and endeavouring to obtain from English creditors money which it is clear that those States can never repay. I am anxious also to deal with the system under which the agents of those States, according to the statements of their own Governments, have appropriated and retained that money on its way from English creditors to the State for which it has been borrowed, in order, if possible, to destroy that system. I think I can show there is no remedy existing now, without inquiry, and I am asking this House to aid in achieving a good end by allowing this inquiry to take place. The States to which I wish to call attention now—not that they form the whole of the States that have made default, but which I wish to place before the House rather as examples than as including the entire case—are Honduras, Costa Rica, San Domingo, and Paraguay. My statement as to Honduras is very simple, and the House will pardon me if I think it necessary to occupy its time in briefly glancing at the condition of that State, and the circumstances under which these loans have been obtained in this country, and

the way in which they have been applied by the persons who, without doubt, received the money. As far as we know—and our knowledge of the place is very limited—Honduras is a State that contains some 250,000 inhabitants. A great proportion of these are aborigines, so scattered through the country that no Census can be taken, and certainly they do not form a population capable of bearing much taxation. Their revenue, so far as it can be traced, has never exceeded £100,000 annually, and out of that £100,000 all the expenses of their internal administration, of their Army and diplomatic officials, have to come. What little further is known of Honduras does not tend to show that its resources are very great; because in 1839, when the debt of the Federate States was divided into 12 parts, it had to bear 2-12ths of that amount, the sum it had to pay being £27,000, bearing interest at 10 per cent till 1867. Honduras was in such a state of insolvency it never was able to pay that amount; and the arrears amounting to £92,000, it had to do what many an insolvent person has had to do—namely, to compound with its creditors. It admitted its insolvency in May, 1867, and asked its creditors, in lieu of the £92,000, to accept £50,000 in bonds, bearing a lower rate of interest. I assume that Honduras was unable to pay its debts; and, that being its not unnatural condition—looking at its revenue in May, 1867—it commenced a new life as early as November, 1867. In that month the Minister of Honduras, a gentleman whose name must be mentioned, Senor Gutierrez, the accredited Minister to this country, introduced a loan of £1,000,000, and it was issued at such a price that the loan produced the sum of £800,000, bearing interest at the rate of 10 per cent. Senor Gutierrez issued his own prospectus, and, as Minister of Honduras, he asked the English capitalists to invest money by way of loan to his Government, and he made certain distinct statements as to the application of the loan. It was to be applied to the construction of the first section of a railway—the first section to be 56 miles in length. He said a contract had been entered into for making it for £18,000 per mile, and that it would be amply sufficient if that section were completed, to provide for the future completion of the remaining sections

by the hypothecation of the domains and forests of Honduras, the forests being applied first to the repayment of that loan to the English creditors, and then for the further construction of the railway. Having obtained that money in November, 1867, in February, 1869, Senor Gutierrez appears again on the scene. It is now in conjunction with his colleague in Paris, Mr. Herran. There they introduce into Paris, and later into the English market, a loan for £2,490,000, producing in actual monies a sum of £2,000,000. The prospectus announces that that loan "is the first mortgage of the domains and forests of Honduras," which had been already mortgaged when the loan of 1867 was made. That prospectus states that "the produce of the present loan will be applied in its integrity" to the completion of the Interoceanic line of railway. We now find that Honduras has obtained £2,800,000 to complete the railway. Having obtained it in June, 1870, Senor Gutierrez's plans appear to have enlarged as time proceeded. Well, he applies in the London Market for this £2,500,000, and he obtains £2,000,000, in order to complete the same railway. There is no mention of the previous loan having been obtained. The Minister in his prospectus speaks of this loan instead of a previous loan; and he also states this—"That the contractors are under heavy contract to complete this railway." What is the sum of money, therefore, obtained? The sum of £4,800,000 was obtained to complete this railway. But the ambition of Senor Gutierrez did not remain there. Having obtained from the English people the comparatively small sum of £4,800,000 to complete this railway, the representative of the Honduras Government appeared again on the scene in May, 1872. His plans increased, as I said before, as time progressed, and he now demands a loan of £15,000,000, or an actual sum of £12,000,000, from the English people to complete the same railway. But I must do this gentleman justice. It was not an ordinary railway that was said to be about to be constructed. It was suggested, in the first prospectus, that there was a necessity for this railway to provide for the carrying of British enterprise and British goods across Honduras. The prospectus states that 16,000,000 of British tonnage yearly passed Cape

Horn, which ought not to have gone that dangerous voyage. So far as I have been able to ascertain, 1,700,000 tons only passed Cape Horn; but a statement of that tonnage only would not have justified probably the expenditure of so large a sum of money. But, as I said—this was no ordinary railway that the gentleman suggested should be constructed. He said that every ship that sailed from England and passed Cape Horn should call at the Eastern shores of Honduras; and, up to 1,200 tons of burden, I think, fully manned and equipped with stores and cargo on board—it should be placed on a railway truck and carried by the railway truck over the table land of Honduras, and dropped in the same character and in the same manner on the Western Sea that washes the shores of that country. If anyone would like to relieve himself of monotony, I hold in my hand the original prospectus—in which Senor Gutierrez depicts the ships passing over the table land, and being carried in that way to the eastern or western coast. The English public did awake to the real condition of things, and a representative body made a demonstration against this demand, and pointed out to the English creditors—who had been credulous enough hitherto—that this proposal was an impossibility; and on the 17th of May the Minister announced that he thought it consistent "with the views and motives of my Government to withdraw the same"—that is, this last scheme—"and to await a more favourable opportunity." I am anxious, if I can, to prevent that more favourable opportunity from occurring. Probably the House would wish to know that we have not learned what has become of this sum of £4,800,000. Allow me first to point out to the House that if this scheme had been successful, the indebtedness of Honduras would have amounted to the sum of £21,000,000, and that in the case of a country hopelessly insolvent—so insolvent that it could not pay £27,000 with a revenue of £100,000 a-year, while the annual sum for interest and sinking fund would have approximated to £3,000,000, which, of course, never would have been paid. One looks round to see what was the object of all this, and to whom and for what purpose has this money been applied. The statement was clear and dis-

Sir Henry James

tinct when it was announced originally that the money was to be applied to the construction of the railway, that the forests of Honduras were mortgaged, so that the creditors should receive the results of those forests. I will tell the House that whilst £4,800,000 has been paid to the financial agents of Honduras through Messrs. Bischoffsheim and Goldschmidt, or to the financial agents in this country, so far as can be discovered out of that £4,800,000, only £562,000 has been applied to the construction of the railway. The rest is lost sight of. The railway remains. It is in existence, but it is abandoned—it is perfectly useless; and as to the forests, so far as is known, not one piece of timber from the Honduras forests has ever come to this country. If any has, the financial agents do not know about it. The result is that of that £4,800,000 all that the English creditor can obtain by way of answer is that there is a certain tin box in the Bank of England. It is stated there was a sort of general bond that was to give full security to all the English creditors. I hold in my hand a correspondence between a gentleman at Glasgow and the Bank of England. The gentleman applied to the Bank of England to know what was the security, and the answer he obtained from the representative of the Bank of England was this—

“In reply to your letter of yesterday, I beg to state that the box, said to contain the general bond of the Honduras Loan, has been deposited with the Bank of England; but as the Bank are only the custodians of a locked box, with the contents of which they are not acquainted, I am unable to give you any further information on the subject.”

Senor Gutierrez keeps the key, and what is in that box no one has been able to discover. And that is all that remains, for there is a repudiation of Honduras to pay this sum of money. All that remains is, then, this locked box. A gentleman who has sent me that information tells me of another box. He says—

“Many hundreds and hundreds of letters lie in the tin box here (Glasgow) from people ill able to afford the frightful losses sustained. All of the same tenour. Naval and military men obliged to leave the service to find other employment to maintain their families, widows reduced to absolute destitution, aged men unable to work, find a life's savings swept away, find themselves with worthless bonds, and all characterise this Honduras fraud with one form of expression.”

What I believe is this—that all that remains, and all that the creditors are likely to obtain, is the expression of their judgment on the fraud, for they can never obtain any compensation from the State. I do not stop now to endeavour to show to this House that those who have received that money should give it up. Everything I have stated I have proof of under my hand. The prospectus is now on this Table. I pass quickly on to the statement in relation to the loan of Costa Rica; and the reason why I mention this next is, that it is a singular fact that, although not making himself very conspicuous in the country, the same gentleman, Senor Gutierrez, is responsible for this. He was appointed to this country as Representative for Costa Rica in November, 1870, and soon after that, or early in 1871, he dealt with Costa Rica as he had done with Honduras, and introduced a loan of £1,000,000, for which he received £720,500. Immediately afterwards—that is to say in the following year, 1872—he introduced a loan for £2,000,000, or rather the State of Costa Rica authorized it, and a sum of £1,200,000 was obtained; so that the State has obtained altogether the sum of £2,000,000. All the amount that we can find to have been sent to Costa Rica of that sum is £926,000; the rest has been detained from going there. One statement is made in the prospectus of this loan which of course is interesting to every one. It is that the Representative of the British Government is the person in whom certain Customs duties have been vested, and that he will forward the proceeds of those duties to this country. I will assume that the Representative of the British Government has received those duties; but whether he was ever authorized to do so, I do not know. A clergyman writing to me from the North of Ireland, sends me a copy of the statement made to him by the financial agents of this loan, Messrs. Bischoffsheim and Goldschmidt, who say they know nothing of the Representative of the British Government being authorised to receive these duties. They say, writing on the 16th July, 1874—

“We beg to inform you that the statement put forward in the advertisement of the second issue of the Costa Rica 6 per cent Loan, to which you take exception, was made upon the autho-

rity of Don Carlos Gutierrez, the Minister for the State of Costa Rica in this country, who vouched for the truth of it by signing the prospectus, and as we received the remittances through Mr. Corbett, we had every reason to believe it was true."

The remittances have ceased from Honduras, and not a sixpence has been received on either of the Costa Rica loans. The next loan—the San Domingo Loan—is a comparatively small matter; yet the gentleman who took charge of the loan is one whose enterprising character is worthy of note, if not of commendation, for although the loan is small, he took the whole of it, or very nearly. It was introduced in 1869 for £757,000, and at the price of issue the enterprising contractor obtained the sum of £529,000. I have had an opportunity of reading the shorthand writer's note of that gentleman's account of the affair in the trial in which he appeared; and the result of his statement is, that the San Domingo Government only received £50,000, and that was sent back again. There is some doubt whether they have not recovered £37,000, which I will assume they did. At any rate, they had no more of the £529,000 than the sum of £37,000; and the contractor puts such a value on his own services, that he has a heavy claim on the San Domingo Government for having introduced the loan to England. His name, like so many others of his class, is not an English one; it is Hertzby Hartmont. I have to deal with only one State more. The next is that of Paraguay, the revenue of which is put down at £110,000. In 1871, a loan was introduced nominally for £1,000,000, and the amount actually raised was £800,000. All these loans follow the same course. As soon as the money is obtained, which seems so easy to get, in the year 1872 another loan, which produced in actual money £1,640,000, was subscribed by the English public, making the total approximate amount £2,500,000. The prospectus introducing the loan stated that it was the first public debt of Paraguay, and that Paraguay had no funded debt. I will not answer for the truth of the statement, but that book to which we are all in the habit of referring, *The Statesman's Year Book*, alleges that the debt of Paraguay amounted at that time, in consequence of the war, to £47,200,000, and I have seen no contradiction of that

statement on the part of the gentleman who introduced the prospectus. But, whatever the truth as to the indebtedness of Paraguay at that time, the material point for consideration is—what has become of the money which the British public subscribed? I hold in my hand a communication from the gentlemen who now represent the Government of Paraguay in this country. They say—"In order that you may form an exact idea of the troubles of the Government after receiving the said advice, we will only tell you that of the loan of 1872"—which amounted to £2,000,000 nominally—"we have only received £239,687." The effect of that on Paraguay is stated to be that not only has Paraguay not received the money contracted for, which was all subscribed, thus losing the benefits she was entitled to look for, but for the want of that money the principal sources of the wealth of the country have had to suffer; it has sustained losses in respect to its agricultural development, railway works have had to be suspended, public buildings have sustained serious damage for want of repair, and the Government have had to pay, and are still paying, increased interest for the obligations contracted on the receipt of the advice that all the loan had been subscribed. ["Name."] There is some difficulty in ascertaining who is the contractor, and that I may not do an injustice to anyone, I had better not mention any names. I have now mentioned all the instances I think it necessary to give to justify the necessity of this inquiry. I have been asked—what is it you intend to do when this inquiry has taken place? I tell the House very frankly that I really do not know what ought to be done, or what is the proper remedy of an evil, until we have traced that evil to its source, and ascertained what it is against which we have to contend. But, at any rate, we should obtain exposure. We shall obtain the exposure which will give warning to the unwary, and prevent the repetition of such offences by men placing their views before the public in the way they have done in the past. There are many aspects of this evil against which we may have to apply this remedy, if I am right in what I said a few minutes since. I am not pressing on the Government the obligation that they, representing the State, should always fight the battle of the English

Sir Henry James

private creditor. But there is this condition of things—that if a State, knowing it is impossible to pay a debt, that it is in a bankrupt condition, comes into this country and takes away money from the people of this country, it is obtaining money by way of false pretences. And I believe it is a question worth consideration by those who take care of the interest and honour of this State, whether some action ought not then to be taken by the Government to prevent such proceedings by foreign States against our people. May I detain the House a few minutes longer by reading the views of Lord Palmerston as to the intervention of the State on behalf of a private creditor against a foreign State which did not pay what was due from it? It was on a Motion brought by Lord George Bentinck, in June, 1847, when he endeavoured to impress on the then Government the necessity of enforcing the claims of the English bondholder against Spain. Lord Palmerston said it was always a question of expediency whether a State should interfere or not on behalf of a creditor. He admitted that it was, under certain circumstances, an obligation to interfere, and he concludes thus—

“Although I entreat the House, upon grounds of public policy, not to impose at present upon Her Majesty’s Government the obligations which the proposed Address would throw upon them, yet I would take this opportunity of warning foreign Governments who are the debtors to British subjects, that the time may come when this House will no longer sit patient under the wrongs and injustice inflicted upon the subjects of this country. I would warn them that the time may come when the British nation will not see with tranquillity the sum of £150,000,000 due to British subjects, and the interest, not paid. And I would warn them that if they do not make proper efforts adequately to fulfil their engagements, the Government of this country, whatever men may be in office, may be compelled by the force of public opinion, and by the votes of Parliament, to depart from that which hitherto has been the established practice of England, and to insist upon the payment of debts due to British subjects. That we have the means of enforcing the rights of British subjects, I am not prepared to dispute. It is not because we are afraid of these States, or all of them put together, that we have refrained from taking the steps which my noble Friend would urge. England, I trust, will always have the means of obtaining justice for its subjects from any country upon the face of the earth. But this is a question of expediency, and not a question of power; therefore let no foreign country who has done wrong to British subjects deceive itself by a false impression either that the British nation or the British Parliament will

for ever remain patient under the wrong; or that, if called upon to enforce the rights of the people of England, the Government of England will not have ample power and means at its command to obtain justice for them.” — [3 *Hansard*, xciii. 1305.]

But there is another view—if it should turn out that the States have not authorized the loans, that the agents have not remitted the money, that they have not fulfilled the obligations they gave personally, then am I to ask the House, is there no remedy against them for such proceedings? At present we have no means of proceeding against the Representatives of foreign States. They are free from process, and free from any proceeding in our Courts, and we now see how some of the Representatives of these States, entering into semi-contracts, after making these statements, are able to set everything at defiance. There is only one other statement I wish to make. I have heard some objection made to this inquiry. It is said, in the first place, Why should not people look after themselves? Why, if they are credulous, should you seek to protect them? Well, why should we not protect the credulous as well as any other person who is the victim of fraud and deceit? However foolish he may be, why should he not be protected? I cannot understand the argument that can be used by those who are the friends and partizans of some of those who have introduced these loans, when they say that there ought to be no protection against these false statements. It is also said that litigation is pending. It is litigation, however, of which I only know by rumour and report, and I protest against this House being relieved from the duty of inquiry, because one individual bondholder is trying to obtain £1,000 of his own money, not against the particular State, but against some individual contractor, against whom he may or may not succeed. The litigation may go on for 10 or 15 years, and all prove futile, and in its result will probably be so. I can only say that, if this Committee be granted, and if there be shown that there is any injustice to any individual, then will be the time to ascertain how far the inquiry should be pushed. One word more in support of this Motion. Is it not just to these gentlemen who have issued these prospectuses and received this money that this inquiry should

take place? These statements have been mentioned and referred to in the public prints, and with very great distinctness to-night; surely, therefore, these gentlemen will not wish that no inquiry should take place. Will they not rather be ready to afford every explanation? Whatever may be the view of this House, I have brought this Motion forward, accepting a labour which is not a pleasant one to me, and taking some little trouble about the matter, in the hope that restitution may be indirectly obtained for those whom I deem to have in some instances been the subjects of fraud, and that we may also protest against a continuation of this system, and rid from our midst men who are careless alike of our national name and everything save and except that of putting money into their own pockets. The hon. and learned Gentleman concluded by moving for the appointment of the Committee.

MR. CHARLES LEWIS said, the question raised was one worthy of the consideration of Parliament and of the country. There could be no doubt that the system complained of by the hon. and learned Member was surrounded by very great scandals, and had produced great distress among the class of persons who were in the habit of investing small sums of money. This arose mainly from two causes. In the first place, the investing public evinced a reckless determination to act upon prospectuses which offered high rates of interest; and, in the second, they became infected with the gambling spirit engendered by the system of annual drawings, under which, if lucky, persons who had invested, say, £75 in the purchase of a £100 foreign bond, might—if the borrowing State happened to be solvent—obtain payment of the £100 in addition to a high rate of interest after the lapse of a very few years. He did not want the House to forget the principle of *caveat emptor*, but he hoped some protection would be extended to those who were misled and helpless. The House might deal with the matter by having a system of registration in order to let the creditors know with whom they were dealing, and how far the debentures were proper and legitimate instruments to bind those Governments to the performance of their obligations. He hoped some system of registration would be enforced,

Sir Henry James

and that it would be made illegal for persons to advertise without complying with certain regulations, the issue of foreign loans, and this would enable persons to trace out those with whom they were dealing. No one could accuse the hon. and learned Gentleman of any exaggeration; but he (Mr. C. Lewis) knew from good authority that the hon. and learned Gentleman had been misled as to Paraguay. The issue of loans for that State had been £2,000,000 or £3,000,000; but the amount really due to the public was only £1,000,000. He (Mr. C. Lewis) had ascertained this fact in the course of a judicial investigation. He believed that that loan was only nominally issued by the promoters. He agreed entirely with the principle of the speech of the hon. and learned Gentleman; and, in the main, with the Motion.

THE CHANCELLOR OF THE EXCHEQUER said, it was evident from the way in which the speech of the hon. and learned Gentleman (Sir Henry James) had been received, that the House sympathised with his expressions of indignation at the stories he had felt it his duty to bring before the House. Everybody must feel at the same time that however much they might be disposed to smile on one occasion and be angry on another at the simplicity of those who fall into these traps, yet it was melancholy to think that the principal sufferers upon whom the blow fell with the greatest severity were those people who were least able to protect themselves. Nobody could wonder that the hon. and learned Gentleman, having had his attention called to this subject, should have called the attention of the House to it. But they had to consider what was the proposition that he made to them. He asked that they should appoint a Select Committee of the House for the purpose of investigating these complaints and of endeavouring to discover some remedy for the evils which existed. He told them very frankly that he was not able himself to suggest a remedy; but that he believed the investigation which might be made before a Committee would lead to the discovery of one. Well, it was a matter for consideration how far it was desirable to appoint a Committee without any very clear and definite ideas of the line which they were to take and of the issue at which

they were to arrive. The House, therefore, ought to consider carefully what they were about when they agreed, if they did agree, to the Motion of the hon. and learned Gentleman. There were one or two considerations they must bear in mind. In the first place, they had to consider how any proceedings they might take might affect our relations with foreign Governments. That, of course, was a serious question, but it was one which the Government had considered, and which had been brought specially under the notice of his noble Friend (Lord Derby) since Notice had been given by the hon. and learned Gentleman. He (the Chancellor of the Exchequer) was in a position to state that Lord Derby, after carefully considering the question, was of opinion that there was nothing in the proposal of the hon. and learned Gentleman that need in any way produce difficulties between us and foreign States. If the Government had felt that it might embarrass our foreign relations they would have felt it their duty to state so to the House, and they might have been inclined to resist the Motion of the hon. and learned Gentleman; but he desired to say, on behalf of the Government and of his noble Friend, that he was prepared, so far as the Foreign Office was concerned, to waive any objection that might be suggested of a possible complication with foreign Governments, merely stipulating that due caution should be taken in any inquiry the House might make properly to observe all the courtesies and privileges of foreign Representatives. Well, then, there was another question which arose out of the proposal, which was this—Everybody must feel that when any story of fraud, and of suffering which resulted from fraud was brought before any body of Englishmen, there was a natural desire to come forward and see whether they could not obtain some redress or devise some mode of punishing that fraud. But the House must always be careful to consider whether the particular body to whom the appeal was made was precisely the body whose business it was to come forward in the matter. And they must bear in mind that there were many tales of wrong—moving tales of wrong—that might be brought before Parliament which it did not belong properly to the functions of Parliament to deal

with. They must take care that they did not interfere in any way with the proceedings of the Courts of Law; that they did not arrogate to themselves duties which more properly belonged to the legal tribunals of the country. They must not turn a Committee of the House into anything of the nature of a Star Chamber. They must bear in mind that Committees of the House in conducting inquiries had not usually the same advantages for the investigation of questions of a judicial character as were possessed by the ordinary Courts of Law, whose business it was. He thought the House, whatever sympathy or indignation they might feel, should be very cautious indeed how they undertook a duty which might be discharged by an ordinary tribunal. Nevertheless, he was bound to say, speaking on behalf of the Government, that after listening to the statement of the hon. and learned Gentleman, they did think that there were in the case he had laid before the House circumstances of so peculiar a character that they seemed to justify a departure from the ordinary cautious rule of the House. They must be very careful to draw a line in these cases. They knew it might be very easy to push cases of this kind a little further; and, as was said in common parlance, "hard cases make bad law." It might very possibly be that if they undertook to make inquiries into cases of an extraordinary and exceptional character, they might ultimately find themselves in a position of some embarrassment and difficulty. They must also bear in mind that a great number of cases which arose with respect to foreign loans, were cases of a very different character from those which were referred to by the hon. and learned Gentleman, and were cases in which they should be doing a great deal of mischief, and, perhaps, a great deal of injury to the country if they attempted to interfere. Therefore, it must be with extreme caution and consideration that they entered into the inquiries which the hon. and learned Gentleman proposed to them. But the motives which led the Government to believe it was desirable to grant this Committee were these—they found from the statement of the hon. and learned Gentleman that there was not at present, in his opinion—and his opinion upon the subject must be looked upon as a very

high one—any sufficient and satisfactory way of dealing with cases of this kind such as there was in cases of ordinary fraud. The hon. and learned Gentleman told the House he could not discover a remedy, but that he thought if a Committee were appointed, they might, by investigating the case more fully, be able to discover a remedy. And this, at least, was quite certain—that if the House were to legislate at all upon the question of foreign loans, it was extremely important that they should be able to investigate these cases very carefully, and have lights thrown upon them by persons who were able to give them information with regard to foreign loans of different characters, so that care might be taken in any legislation they might undertake not to do mischief in the case of those foreign loans which were wholly free from any taint such as that referred to by the hon. and learned Gentleman. Therefore, upon the whole, with great caution and some misgiving lest it should be drawn into a precedent for going beyond the circumstances of the present case, the Government did, for the sake of endeavouring to find out a way to some legislation that might meet cases of this kind, assent to the appointment of a Committee. But he hoped the hon. and learned Gentleman would put himself in communication with the Government, and that great care might be taken in the selection of the Gentlemen appointed to serve upon the Committee, and that great care might also be exercised in the conduct of the inquiry. He was quite satisfied, from the way in which the hon. and learned Gentleman had made this Motion, that he was prepared to proceed upon it in that spirit, and in that spirit it was that he (the Chancellor of the Exchequer) assented to the Motion.

Motion agreed to.

Select Committee appointed, “to inquire into the circumstances attending the making of Contracts for Loans with certain Foreign States, and also the causes which have led to the non-payment of the principal moneys and interest due in respect of such Loans.”—(*Sir Henry James.*)

And, on March 1, Committee nominated as follows:—MR. LOWE, MR. STEPHEN CAYE, MR. ELLICE, MR. BOURKE, MR. SOLICITOR GENERAL, MR. WATKIN WILLIAMS, MR. EDWARD STANHOPE, MR. WALTER, SIR CHARLES RUSSELL, SIR CHARLES MILLS, MR. PULESTON, and SIR HENRY JAMES:—Power to send for persons, papers, and records; Five to be the quorum.

The Chancellor of the Exchequer

GENERAL CARRIERS ACT (1830.)

MOTION FOR A SELECT COMMITTEE.

MR. JACKSON, in moving that a Select Committee be appointed “to inquire into the operation of the Act 11 Geo. 4, and 1 Will. 4, c. 68 (commonly known as ‘The General Carriers Act, 1830’)” said, in 1830 an Act of Parliament was passed to put an end to certain evils of which carriers then complained. At that time there were no railways in operation, and all carriers did their business by horse-power. Stage coach proprietors, and other carriers, found that they could not protect themselves against losses from pilfering by loiterers and thieves, and they were driven to give public notices that they would not be liable for valuable parcels, such as bankers’ packages, unless special intimation as to the nature and value of the parcel were given. The validity and the effect of those notices gave rise to litigation; and, to prevent this, the Carriers Act was passed. That Bill was introduced on the 25th May, and it became law on the 23rd July in the same year. The Bill was brought in by a private Member (Sir Thomas Acland), and was not founded on a Report of a Committee, or on the opinion of the Law Officers of the Crown. Under it some 23 articles of the more costly descriptions, such as gold and silver, watches, silks, furs, &c., were placed in a separate category, and carriers were relieved from liability for their loss, unless the sender had first declared the nature of the property and paid a sum for insurance, while they were expressly made liable for the loss of all other goods, notwithstanding notice to the contrary. The Act, however, provided that the Common Law liability of the carriers for loss should only be retained where felony on the part of their servants was proved. That Act had not worked well, for the rates of insurance charged and the regulations made were of a prohibitive character. In consequence, great loss ensued to the trade, and especially in the case of Coventry, where the two staple trades were the silk and watch manufactures. The loss in transit of watches during the last 15 months was really formidable, and even the provision that the Company should be liable for the proved felony of their servants had worked very badly, for the subordinate railway officers could not be

found to prove a state of facts which would render their employers liable. Further, the Act did not operate fairly towards Railway Companies, which were sometimes unduly exposed to great loss for want of proper care on the part of persons who sent goods in an insecure state. In 1868 the Government of the present Prime Minister actually attempted to deal with that question, admitting that a change in the law was necessary, and he hoped, therefore, his Motion would now be acceded to.

SIR CHARLES ADDERLEY said, the Act of 1830 was clearly not adapted to the existing state of things as regarded either railways or trades. Not only the system of carrying, but also the nature of a large portion of the goods conveyed, had entirely changed in the interval, and an alteration of the law had become necessary. The hon. and learned Gentleman had pointed out where the law was inapplicable, unfair, and incomplete, and in many points he (Sir Charles Adderley) agreed that it required revision and alteration to bring it into harmony with the present circumstances of the country. He not only assented to the Motion on the part of the Government, but he thought that the inquiry should take place as soon as possible, and the Government would afford every facility to the hon. and learned Gentleman for that purpose.

MR. STAVELEY HILL quite agreed with what had been said by his hon. and learned Friend. He (Mr. Staveley Hill) had prepared a Bill on the subject, which he would have asked leave to introduce. However, as his hon. and learned Friend had moved for a Committee, and the Government had assented to its appointment, he would simply express a hope that no question with reference to the rate of insurance would be raised, as he thought it would prevent the Committee from coming to an early conclusion on the subject.

Motion agreed to.

Select Committee appointed, "to inquire into the operation of the Act 11 Geo. 4, and 1 Will 4, c. 68 (commonly known as 'The General Carriers Act, 1830')."—(*Mr. Jackson.*)

And, on March 5, Committee nominated as follows:—MR. CAVENDISH BENTINCK, MR. BROCKLEHURST, MR. MAURICE BROOKS, MR. BRUCE, MR. CAMPBELL-BANNERMAN, MR. FRESHFIELD, MR. GIBSON, MR. GOLDNEY, MR. STAVELEY HILL, MR. LAING, MR. LEEMAN, MR. SAMPSON LLOYD, MR. MAJENDIE, MR. MORLEY, MR. PEMBERTON,

MR. SALT, SIR EDWARD WATKIN, MR. WATKIN WILLIAMS, and MR. JACKSON:—Power to send for persons, papers, and records; Five to be the quorum.

BOROUGHES AND POPULOUS PLACES (SCOTLAND) GAS SUPPLY BILL.

On Motion of Sir WYNDHAM ANSTRUTHER, Bill to enable towns and populous places in Scotland, being burghs under "The General Police and Improvement (Scotland) Act, 1862," to erect Gasworks for the supply of Gas to such towns and populous places, or to acquire existing Gasworks therein, ordered to be brought in by Sir WYNDHAM ANSTRUTHER, MR. ORR EWING, MR. GRIEVE, and MR. WILLIAM HOLMS.

TURNPIKE ACTS CONTINUANCE.

Select Committee appointed, "to inquire into the Seventh Schedule of 'The Annual Turnpike Acts Continuance Act, 1874.'"—LORD GEORGE CAVENDISH, LORD HENRY THYNNE, MR. BEACH, MR. BEAUMONT, MR. M'LAGAN, MR. WILBRAHAM EGERTON, MR. WELBY, SIR HARCOURT JOHNSTONE, and MR. CLARE READ:—Power to send for persons, papers, and records; Three to be the quorum.

Instruction to the Committee that they have power to inquire and report to the House under what conditions, with reference to the rate of interest, expenses of management, maintenance of road, payment of debt, and term of years, or other special arrangements the Acts of the Trusts mentioned should be continued.—(*Mr. Selater-Booth.*)

House adjourned at Eight o'clock.

HOUSE OF COMMONS,

Wednesday, 24th February, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Burghs and Populous Places Gas Supply (Scotland) * [73].

Second Reading—Bills of Sale Act Amendment [8]; Glebe Lands (Ireland) [23]; Bank Holidays Act (1871) Extension and Amendment [30].

BILLS OF SALE ACT AMENDMENT

BILL.—[Bill 8.]

(*Mr. Lopes, Mr. Gregory.*)

SECOND READING.

Order for Second Reading, read.

MR. LOPES, in moving that the Bill be now read a second time, said, that the object of the measure was to remove certain defects in the Bills of Sale Act (1854), the Preamble of which said that frauds were largely committed upon creditors by secret bills of sale of personal chattels, whereby persons were enabled to keep up the appearance of being in good circumstances and possessed of personal property; while the holders of such bills of sale could take that pro-

party, to the exclusion of the creditors. The grantor of a bill of sale remained in possession of the property which was the subject of that instrument, but the grantee became its absolute owner; and persons were induced to give credit to the former on the faith that he was the real owner. Thus things went on, until the apparent owner got into difficulty, and then a person who had given him credit brought an action against him, and obtained an execution against his goods, whereupon up sprang the owner of the bill of sale and swept away the property, the bill of sale being perfectly good against the execution creditor. The Act of 1854 was accordingly passed to check frauds upon *bond fide* creditors, by requiring the holder of a bill of sale to register it in the office of the Court of Queen's Bench, which was open to the public. The Act further inflicted a penalty on the holder of a bill of sale who did not register, and it made the bill of sale null and void against the creditors if they issued execution against the debtor or made him a bankrupt. The Act, however, gave the holder of a bill of sale 21 days within which to register, the effect of which was, that within that period a bill of sale was not void against an execution creditor, and the execution was defeated. In fact, that Proviso as to the 21 days was a loophole of escape, and it had enabled dishonestly-inclined money-lenders and other persons, as it were, to drive a coach and six through the Act of Parliament. That was done in this way—a money-lender advanced a sum of money to a man and obtained a bill of sale on his goods as a security. He did not register the bill of sale, but allowed a fortnight, or it might be 20 days, to elapse, and then he took another bill of sale, which he again did not register, but renewed at the end of another fortnight or 20 days, repeating that process over and over again, so that there should always be a bill of sale in force which did not require registration. The result was, that secret transfers had been effected and *bond fide* execution creditors were defrauded, in defiance of the Act of 1854. The legality of thus constantly renewing bills of sale was at one time doubted, but the Court of Common Pleas had, with an expression of regret, decided that those bills of sale were good against an execution creditor, and

Mr. Lopes

the Court of Exchequer Chamber had confirmed that decision. The Act of 1854 had consequently become a dead letter against those who understood how to renew those instruments in the way he had described. It was to remedy that defect that the present Bill had been introduced. It would render the non-registration of the first bill of sale fatal to its success. Not only were creditors cheated under the existing law, but the grantor of a bill of sale was also subjected to extortion. It being, of course, his interest to conceal the fact that he had given a bill of sale on his property, he had frequently to pay a considerable sum to the grantee of the bill of sale every time it was renewed. In a case before the Master of the Court of Common Pleas, a bill of sale, given to secure an advance of £100, had been renewed every fortnight for about a year, and £5 was exacted on each renewal, making something like 100 per cent on the loan. To prevent various modes of evading the Act of 1854 which might be resorted to, the Bill provided that all transfers of personal property, whether effected by bills of sale or otherwise, should be subjected to registration. In conclusion, he would say that the present Bill was almost identical with one which he brought in last year, but he did not press it to a second reading on that occasion, because the Lord Chancellor then introduced into the other House a more comprehensive measure. He had now brought the Bill in again with the approbation of that noble and learned Lord, and he would move its second reading.

Motion made, and Question proposed, "That the Bill be now read a second time.—(*Mr. Lopes.*)

THE ATTORNEY GENERAL said, he hoped that the House would give the Bill a second reading. The 2nd section of the Bill dealt, and apparently in a satisfactory manner, with a difficulty which doubtless existed; but the 3rd section, the object of which he approved, would, he thought, require to be carefully considered in Committee.

MR. NORWOOD, as the representative of a mercantile community, thanked the hon. and learned Member for introducing the measure, for the present system of evading the necessity of registration was condemned by all trading

societies in the Kingdom. He thought the second section would require amendment, and he reserved to himself the right of proposing that clause in Committee.

MR. FORSYTH supported the second reading, but indicated certain defects in the wording of the Bill which would have to be amended in Committee.

Motion agreed to.

Bill read a second time, and committed for Tuesday, 13th April.

GLEBE LANDS (IRELAND) BILL.

(*Mr. Mulholland, Mr. Bruen, Viscount Crichton.*)

[BILL 23.] SECOND READING.

Order for Second Reading read.

MR. MULHOLLAND, in moving that the Bill be now read a second time, said, it was unnecessary for him to occupy the attention of the House by any elaborate statement. For many years past it had been the policy of Parliament to extend the term for which leases for ecclesiastical purposes might be granted, when it was shown that such extension would be for the public good. Powers had been given to the Court of Chancery in Ireland, and subsequently to the Landed Estates Court, to grant long leases in cases where they were required; and in 1855 an Act was passed for Ireland to enable limited owners to grant leases for religious purposes. The Preamble of that Act stated that great difficulties had arisen in providing sites for places for public worship, and it was therefore desirable that the facilities contained in the Act should be given. In the Act, the Established Church was excluded; but it was never contemplated by the Act that the Established Church should be put in any worse position than the other Churches in Ireland. But the fact was, that at that time the Established Church enjoyed exceptional advantages under Acts of its own; but in order to maintain those advantages, it was necessary for it to have a corporate existence, and having that under the Irish Church Act of 1869, the Disestablished Church was now, in this respect, in an exceptional position. The principle of the Act of 1869 was to put all Churches in Ireland on a perfect equality; but the Church of Ireland was now in a worse position than the other Churches. The Bill he now moved should be read a second time

consisted really of but one essential clause—namely, to admit the Disestablished Church in Ireland to the principles contained in the Act of 1855. Under the re-construction of the Irish Church it had been found necessary in some instances to amalgamate the parishes, and it was sometimes found that the glebe which was most convenient for the old parish was most inconvenient for the new. In other cases it was found that the old glebe-houses were too large to be kept up on the reduced incomes, and that they could be sold at high prices if for new ones sites could be found. He could not see on what grounds there could be any opposition to the Bill, and he did not think that there could exist any objection to admit the Disestablished Church to the benefits of the Act of 1855. In 1853 a similar Act was passed for England in which the Established Church was not excluded. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Mulholland.)

SIR COLMAN O'LOGHLEN said, he did not object to the Bill, but only regretted that it did not go further than the Act of 1855, which did not allow limited owners to give leases for more than five acres for the purposes of glebes. He should like to see the limit extended to at least 15 acres, and he should also be glad if small quantities of land—say, to the extent of half-an-acre—could be granted at a peppercorn rent, instead of at the best market value, when such land was required for Church purposes. He hoped that the Act passed in 1870 enabling the Board of Works in Ireland to make loans to religious bodies, which would expire in February next, would be renewed for another five years.

SIR MICHAEL HICKS - BEACH said, his attention had already been directed to the Act of 1870, referred to by the last speaker, and it would probably be his duty to bring that subject before the House this Session. As to the Bill now before them, he understood its principle to be merely the extension to the Disestablished Church in Ireland of a power now given by law to other religious bodies in that country. When the Act of 1855 passed, it was not made

applicable to the then Established Church, because that Church had an Act of its own; but when it was disestablished, its leasing powers were withdrawn, consequently it was only fair and just to place the Disestablished Church on the same footing as other religious bodies. He had, therefore, no objection to the second reading of the Bill; but, as it had been circulated only two days, he would suggest that the Committee should not be taken for a short time, in order that he might have an opportunity of consulting the Lord Chancellor and the Law Officers of the Crown as to the legal bearings of the measure.

Motion agreed to.

Bill read a second time, and *committed* for Thursday 18th March.

BANK HOLIDAYS ACT (1871) EXTENSION AND AMENDMENT BILL.

(*Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loghlen.*)

[BILL 30.] SECOND READING.

Order for Second Reading read.

MR. RITCHIE, in moving that the Bill be now read a second time, said, it established no new principle, but merely extended the operation of an Act which was passed in the year 1871, with the almost unanimous concurrence of Parliament. Previous to that time the holidays in this country were few and far between, fewer, in fact, than in any other country in Europe. The only holidays which were recognized were Good Friday, Christmas Day, and an occasional Thanksgiving Day or Day of Humiliation. It was only on those occasions that the merchant was able to close his office, and give his clerks a holiday; or the shopkeeper to close his shop, and release his assistants. In 1871, however, the hon. Baronet the Member for Maidstone (Sir John Lubbock) brought in a Bill which established four days in the year as Bank holidays. Parliament enlarged the Bill of the hon. Member, and gave it an even wider scope than was at first intended, and the Act had worked to the entire satisfaction of the whole community. The advantages which it had produced clearly showed that Parliament had acted wisely in the matter, and the discussions which took place clearly proved that it was never intended the

Bill should apply to banks and bankers' clerks only. No doubt, bankers' clerks performed very important duties; but there were others also who had heavy responsibilities and performed equally important duties, and he had no doubt the intention of the Legislature was to include them within the scope of the Bill. Parliament evidently thought that by closing the banks and thus stopping, as it were, the sinews of trade, they would put a stop to all business transactions on the days which were appointed as Bank holidays, and that was shown by the adoption of the Marquess of Salisbury's Amendment, to the effect that no person should be compellable to make any payment or perform any act on such holidays, which he would not be compellable to make or do on Good Friday or Christmas Day. The Act was clearly intended to give the whole community a holiday on Bank holidays, and that expectation had been realized with one or two exceptions. Merchants' offices and shops were closed, as were also insurance offices, Lloyd's, the Stock Exchange, the Mincing Lane market, the Baltic, the Corn Exchange, the receiving offices of the railway companies, and now the Law Courts. The exceptions to the general rule it was the object of the Bill to remove, and the most important of these was the Custom House. On the occasion of every Bank holiday, attention had been drawn to this exception, always in terms of disapproval and regret, particularly by letters to *The Times* and references to the working of the Act in its Money Article; and application had been made to the Chancellor of the Exchequer to excuse the attendance of Government *employés* on Bank holidays; but his reply had been that the days on which the Custom House should be open and closed were fixed by Act of Parliament, and therefore no change could be made without the authority of an Act. The work done on Bank holidays was insignificant compared with the average. On the last Bank holiday in London five vessels cleared out; there were 22 entries as against a daily average of 3,000; and the payments amounted to £211 against a daily average of £31,242. At Liverpool six vessels cleared out; there were 22 entries as against 447, and the payments amounted to £224 as against £15,095. The last Bank holiday was

Sir Michael Hicks-Beach

the day after Christmas Day, and the work done was so small, that it was clear the trade did not require the Custom House to be kept open. The fact that it was kept open occasioned heart-burnings among the *employés* through some being excused and others not; and it involved the attendance of a large number of persons at the places of business of shipbrokers, of ship-store dealers, and of many merchants, as well as at the docks and bonding warehouses, to receive goods that were not sent, and give out goods that were not applied for. The Superintendent of the largest dock in London said there was nothing done on Bank holidays now. The East and West India Docks, which have a daily average of 102 vessels working, were reduced to 25, and a daily average of 472 deliveries and receipts was reduced to 27, while not a single vessel left on the last Bank holiday. In the bonding warehouses 42 bills were paid, as against a daily average of 1,050; 122 documents were issued, as against a daily average of 2,820; and the number of persons who called to transact the business was 64, as against a daily average of 2,280. The amount of business done was clearly insufficient to warrant the bringing down of such a large number of *employés*. It had been said that in instituting these holidays in the way he proposed, a large number of labourers would be deprived of the means of earning their wages upon these four days. Well, the House might not be aware of it, but in the docks there were two classes of labourers—the permanent staff, who would not suffer, and those who were only employed casually as they were wanted; many of the latter, in consequence of the time they were employed in the docks being so short, had other employments which they carried on at home, and when the holidays came round, if they were anxious to work and did not wish to avail themselves of the holidays, they would occupy themselves in the ordinary way at home. It must also be recollected that with the docks open as at present on the Bank holidays, only one-fourth of the average number of labourers were employed; while if they did not work on that day, they would make overtime on the following days, so that the total loss to them was more apparent than real. But even if a small number were to lose 2s. 6d., that

would be no argument against thousands of persons being allowed the opportunity of enjoying the holidays. With reference to the necessity for having some one at the docks to attend to certain Continental vessels which it was necessary to unload and load quickly, he could dispose of the objection by pointing out that in the case of a foreign vessel requiring to be looked after on one of the four days, a special application to one of the authorities such as was at present made in the case of public holidays, as the Queen's birthday, for instance, would always insure the attendance of a sufficient number of men to do the necessary work, and the expense would be but trifling. The Bill was supported by almost all the large owners of ships and steam vessels. The Liverpool owners were in favour of it, and he had inquired of the Cunard line, the White Star line, the Pacific line, and others, and the reply he had received was in the highest degree satisfactory. It was said that consignees would be deprived of one day for applying for their goods; but, in point of fact, there would be no interference with the time it would take to unload a vessel, for vessels were always unloaded more quickly than was required by their charter-party. The measure, no doubt, appeared somewhat stringent and likely to prevent any work being done on these holidays at the docks; but it was not his intention to prevent that, but to enable the same amount of work to be done on these days as was at present carried on on Christmas Day and Good Friday; but in order to make the measure more definite he would add, in Committee, the following Amendment to the 1st clause:—

“That nothing herein contained shall prevent the performance of such work or services in any dock or docks as may be deemed expedient by the directors of such dock or docks for the convenience of the shipping.”

That Amendment would remove any fears as to the jeopardizing of shipping in the Humber, or the delay of vessels which made short and frequent voyages to and from Hull—fears which had been expressed in a Petition from that port. The Petitioners had endeavoured to secure the assistance of some of the London docks in their opposition to the Bill, but had failed to do so. The directors of the East and West India Docks approved the Bill and hoped it would

pass; and it was unanimously asked for by Custom House officers, wharfingers, clerks, and other *employés*. Of course, every Bill of the kind must interfere with a few; the Factory Acts for instance, reduced the profits of manufacturers. The proprietors of the Hull Docks had petitioned against the Bill, but there were some people who were opposed to holidays altogether, looking upon every day a man did not labour as so much taken from the industrial wealth of the country, and their objections he was not concerned to meet. He hoped that the House would not take that view of the case; but as the Bill would confer a benefit on thousands by securing them four days' holiday in the year, on that ground he trusted it would meet with its approval. He would move the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Ritchie*.)

MR. WILSON, in rising to move that the Bill be read a second time that day six months said, his attention had been called to the Bill by the Hull Dock Company, with a request that he would oppose it. In whatever way London and Liverpool might regard it, the persons connected with the trade of the Northern and North-eastern ports disapproved of it, and the hon. Gentleman the Member for the Tower Hamlets (*Mr. Ritchie*) could not point to any Petition proceeding from those ports which had been presented in favour of it. Moreover, it was to be observed that the Bill was not backed by the name of any hon. Member for Liverpool, or for any of the Eastern ports, and the arguments of the hon. Mover had reference chiefly to London. He (*Mr. Wilson*) represented six docks on the Eastern Coast, in which the capital employed amounted to several millions; from these there had not come a single Petition in favour of the Bill, while the Hull Dock Company and the North-Eastern Railway had petitioned against it. It appeared to him that the hon. Gentleman overlooked a great difference between clerks and labourers. The original Act was intended to apply to clerks who would receive salaries without deductions for holidays; but this Bill would impose four days of unpaid-for idleness upon day labourers, who in the Eastern ports were often de-

prived of work during three or four months of winter, and who could ill afford to lose four days through the operation of the Bill. Their condition was sometimes so bad from enforced idleness that subscriptions had to be repeatedly made for them in order to alleviate in some measure the distress of themselves and their wives and families. The figures relating to the business done on the last Bank holiday were not so conclusive as they would otherwise have been, if the holiday had not been the day after Christmas Day, when less work than usual would have been done under any circumstances. Since 1871 he believed there had been more holidays in England than in any other country of Europe, for the working men had taken many holidays contrary to the wishes of their employers, and had thereby greatly contributed to the present depression of our trade. Our national prosperity depended on our national industry, and if the House enforced idleness by Act of Parliament on the working classes of this country, they were initiating a ruinous principle, which would tend still further to give the advantages which foreign countries were now obtaining over us in all our great national industries, for which, up to this time, this country had been pre-eminent. He objected to men being forced to idleness by Act of Parliament and thus have to use extra exertion on the following day to make up their loss. The labourers about the London Docks, he believed, earned 6s. a-day instead of 2s. 6d., and 12s. a-night; sometimes, by the aid of their unions, they took the law into their own hands; and they were able to take any holidays which they required. If the principle of the measure were pushed to its logical conclusion it would involve the stoppage of railway traffic, the use of hackney carriages, and interfere with trade generally on the days in question. Moreover he believed the Bill would be found to act injuriously by giving the working classes increased facilities for drinking.

MR. LEEMAN, in seconding the Amendment, said, his objection to the Bill would be removed, if the clauses relating to docks were struck out, because, if they were retained, it would interfere with the coal trade of the North of England, where about 15,000 tons of coal were shipped daily. It was

Mr. Ritchie

necessary to have coal in trucks ready at particular times, and the inevitable effect of this legislation would be to stop the labour, not only of the dock men, but there would not be any empty trucks to send back to the mines; so that during all the next day the men employed in the collieries, who earned much higher wages than the dock labourers, would have to undergo a forced state of idleness. He spoke on behalf of 40,000 men employed in the Durham collieries, who did not wish to be so treated, especially as by an arrangement among themselves they already took a holiday every alternate Saturday. He called special attention to the fact that the name of the hon. Baronet the Member for Maidstone (Sir John Lubbock) was not upon the back of the Bill—a signification that he did not consider the case of these men and that of the bank clerks the same, for the latter received their salaries during holidays. The Bill would be a mischief rather than an advantage to those who would be affected by it. In many parts of the North, the labouring population being able to take a holiday when they pleased, had run holiday mad, and he feared the tendency of the Bill would be to increase the evil.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Wilson.*)

Question proposed, “That the word now’ stand part of the Question.”

Mr. WHEELHOUSE said, the hon. Member who moved the rejection of the Bill seemed to be under the impression that London, and London alone, was the particular district for which legislation was practically asked. He begged to say—notwithstanding the hon. Member for Hull (Mr. Wilson) had pointed out that there was no name belonging to the North-eastern ports behind the Bill, that his (Mr. Wheelhouse’s) name was there, and he claimed to know somewhat of the feeling of the North-eastern ports in regard to this question. As far as concerned railway directors and dock proprietors, it might perfectly suit those gentlemen to consider that they alone had the interest of the parties who would be affected by the Bill at heart; but there were two stand-points from which the question could be viewed—one the workman’s position—if he might say

so — and the other that of railway directors and dock companies. He could state, however much the latter bodies opposed the measure, the working classes looked with great favour upon it. He denied the allegation that they had gone holiday mad; and so far as the argument of the hon. Member for York (Mr. Leeman) was concerned, with respect to the enforced idleness of the colliers by reason of the waggons not being sent back from the docks the day after the holiday, if there was any force in it, it would apply equally to every Monday in the year. But they all knew that on those days the 40,000 men on whose behalf the hon. Gentleman had spoken were busily employed. As regarded the clerks employed in the Government Departments, he knew that in the borough of Leeds, where there was a very large amount of duty paid, the clerks employed in the Inland Revenue Office had nothing whatever to do on the Bank holidays. If there was ever a strong and reasonable Bill which under the circumstances did not in any way interfere with the trade of the country, it was the Bill before the House, and he hoped his hon. Friend would succeed in passing it.

Mr. STEVENSON, in opposing the Bill, said, he had no objection to the further carrying out of the great principles laid down by the Bank Holidays Act; but if the Bill had any meaning at all, it would introduce an entirely new principle which had not been introduced into legislation before. By the Bank Holidays Act, bills falling due on the holidays were made payable the day after, and so the banker did not require the attendance of his clerks; but he was not aware that that Act compelled a banker to close his doors. He thought that, without any legislation whatever on the subject, the object desired by the hon. Member was in fact actually taking place, so far as it could be accomplished, by the voluntary consent of the parties interested, and there was no desire on the part of the working classes for a measure of this kind, who would lose their day’s pay by the enforced holiday. To the compulsory extension of its provisions he altogether objected. Besides, he failed to see how the Bill would work on the River Tyne, providing, as it did, for a “close holiday” inside the docks, while work might go on on the

river outside the docks. He advised the hon. Gentleman either to confine the Bill to London, or to withdraw the part which related to docks.

SIR WILFRID LAWSON said, he wished to make a suggestion to the hon. Member who introduced the Bill—namely, that he should extend its provisions to public-houses, as well as docks and Custom houses.

MR. NORWOOD said, he was opposed to the measure, inasmuch as it materially differed in principle from the Bank Holidays Act, which was an Act passed with the general assent of the bankers themselves, who were willing to bear the pecuniary loss which the holiday entailed upon them, and thus the clerks themselves lost nothing. The case would be different with the dock labourers, so that it appeared to him that the hon. Gentleman the Member for the Tower Hamlets (Mr. Ritchie) wished to be generous at the expense of the dock companies and their labourers, and contrary to their wishes. A philanthropist, to be consistent, should be prepared to make some sacrifice. He, however, was afraid they were running philanthropically mad, in endeavouring by Acts of Parliament to interfere with the ordinary course of business. In his view, the hon. Member had failed to grasp the extent of his proposals, which would affect large commercial interests, in addition to shipping, and hundreds of thousands of people. Our dock population had too many unemployed days at present. Many of the working men in the docks were living from hand to mouth; and if the proposed holidays were enforced, the wages that might have been earned on those days would be a serious loss to them. He protested against legislative restrictions upon the disposal of their labour by working men.

MR. W. H. SMITH said, in the absence of the right hon. Gentleman the Chancellor of the Exchequer, it was his duty to say a few words in reference to the Bill. It was not in any sense a Government Bill, nor did they desire to use their strength in its favour; but, on the other hand, so far as their own *employés* were concerned, they did not see sufficient reason for opposing it. The important considerations urged on behalf of the Northern ports, and other shipping interests, were of such a grave

character that it would be necessary to secure that full liberty should be reserved for the carrying on of trade on these days without check or hindrance. Neither the Treasury nor the Custom House authorities wished public servants to be on duty when there was no work to be done; but, at the same time, they were anxious that the most complete opportunity should be allowed under the Bill for the carrying on of trade generally. A Return which he had received from the Customs of the number of entries, &c., taken at London on the four Bank holidays of last year, showed the following results:—April 6—Entries, 31; number of vessels reported, 41; number of bonds, 36; amount of duty received, £119 6s. 3d. May 25—Entries, 28; vessels reported, 29; bonds, 48; duty, £154 16s. August 3—Entries, 40; vessels reported, 88; bonds, 42; duty, £394 9s. 2d. December 26—Entries, 22; vessels reported, 30; bonds, 18; duty, £211 1s. 5d. On an ordinary day the average number of entries was 3,163; bonds, 221; and duty, £36,628. [Mr. Norwood asked, whether there was a similar Return from the out-ports?] He had not obtained the statistics from other ports; but if the hon. Member wished it, there would be no objection to supply them at a future stage of the Bill. From those figures it appeared to those concerned in the government of the Customs that they were bringing down a large number of persons to the Customs and docks on days when there was really a very small amount of work to be done, but they had no power to relieve them of that attendance except by Act of Parliament. The question had also been referred to the Inland Revenue Commissioners, and their answer was, that they had no objection to the provisions of the present Bill being extended to their Department. The last thing the Government would propose would be to suspend business on any day on which it was ordinarily transacted; but the fact was, the Bank Holidays Act appeared to have put a stop to ordinary business to a great extent, and it was represented to the Government that it was vexatious and unnecessary to require gentlemen to sit in offices where no work was to be done. So far as the Government offices were concerned, therefore, the Bill, as he had remarked, was unobjectionable, but it would certainly be

Mr. Stevenson

necessary to provide against any such interruption of trade as hon. Members had indicated. He ventured to say that without that provision, the Bill would not pass, and he suggested that if the House would allow the Bill to be read a second time that day, the Committee should be fixed for a late date, in order that representations might be made from all the interests affected, and that ample time should be afforded for the introduction of Amendments. He was not certain that it might not be possible to omit docks from the Bill altogether, but he refrained from expressing any opinion on this point, because he did not know how far the attendance of the Custom House officers at docks was necessary. [Mr. NORWOOD: How about the Ferriers' holiday?] That was an ancient right, and he did not think that he could propose to touch the right without exciting an amount of popular feeling, which he did not wish to excite. He trusted that the House would understand that he was not arguing in favour of a new holiday, and he thought there was a great deal of force in the argument which had fallen from hon. Gentlemen in reference to that matter. All he was arguing for was that, a holiday already existing, a large number of persons should not be compelled to attend in an empty room, where there was no work of any kind to be undertaken.

Mr. PALMER said, that the whole course of the debate showed that the Bank Holiday's Act ought to be confined to London alone, and so far he fully sympathised with the Bill. The hon. Member for York (Mr. Leeman) had certainly neither exaggerated nor overstated the case when he said that if the Bill was extended to the case of the docks it would have the effect of totally suspending the business of the whole district. If docks were closed in any of the ports throughout the North of England, it would have the effect of closing the railways, the collieries, and most of the manufacturing establishments throughout the North. They had, therefore, not only to consider the loss that would be inflicted on the employers and the employed, but the loss that would be caused to the whole district. He believed that the Bill did not receive the approval of the working men as a body, especially in the North, for the loss that was already occasioned in that part of

the country by the number of holidays was already excessive, and they were now asked by legislation to make a large and material increase to it. He should therefore support the Amendment, because he knew that the Bill would inflict considerable loss on the employers and the employed, besides greatly injuring the trade generally of the North of England.

Mr. TORR thought the view of the last speaker an exaggerated one. His experience of commercial life in the sea-ports was as extensive as that of the hon. Member for North Durham (Mr. Palmer), and as the result of his experience, he was convinced that the adoption of the principle of the Bill would involve no suspension of trade whatever. If it was thought that inconvenience or possible loss would result from including docks in the provisions of the Bill, it would be easy to propose their omission when the Bill got into Committee. When the Bank Holidays Act was passed, it struck him as being invidious to make a selection from the different classes of public servants who should be the recipients of the boon, and after the thoroughly liberal and equitable explanation which had been made by the Secretary to the Treasury of the views of the Government, he should support the second reading of the Bill.

Mr. RODWELL said, it might seem invidious to oppose a Bill which provided for the recreation of the people, but he had been very much struck by the arguments of those hon. Gentlemen who held that the measure would interfere with private enterprise, and would be introducing a new and very dangerous principle. He believed that that difficulty had arisen because the Bill was, to some extent, a departure from the principle of the Bank Holidays Act. The object of that Act was to give certain holidays to salaried clerks and others who were not paid by the day; but this Bill did not adhere to that principle, and that was the great difference between it and the Act of 1871. If the docks were excluded from the operation of the Bill, the great objection to it would be withdrawn. It would, however, be a dangerous precedent if the House tried to provide holidays for day labourers, and might lead to applications from railway labourers, colliers, and men engaged in other great industrial

interests. If the Bill was not made applicable to docks, he did not see any great objection to it, but unless they were to be excluded, he would vote against it.

SIR COLMAN O'LOGHLEN said, that although objection had been taken to the fact that the names of Representatives of the great seaports were not to be found on the back of the Bill, one of the hon. Members for Liverpool had expressed himself in favour of the principle involved. The reason for his name being found among those of the hon. Members who prepared and brought in the measure was, that he was the first to introduce the question of Bank holidays to the House, the principle of his Bill having been sanctioned by a Committee of which he was Chairman. Speaking personally, he was of opinion that the Bank Holidays Act of 1871 did not go far enough. He would, for instance, have preferred to see included in its provisions the *employés* in the Savings Banks department of the Post Office, and also that the holidays in the Law Courts should have been arranged for the days prescribed by the Act.

MR. RITCHIE, in reply, said, he should be glad to accede to the suggestion of the Government, and put the Committee down for a distant day. When the Bill reached that stage, if the Government considered it necessary and if it was the wish of the House, he should have no objection to exclude docks from the operation of the Bill. He trusted that course would obviate any opposition to the measure.

Question put.

The House divided:—Ayes 90; Noes 64: Majority 26.

Main Question put, and agreed to.

Bill read a second time, and committed for Tuesday 16th March.

House adjourned at
Three o'clock.

HOUSE OF LORDS,

Thursday, 25th February, 1875.

MINUTES.]—PUBLIC BILL—*Second Reading*—*Referred to Select Committee*—Church Patronage (12).

Mr. Rodwell

CHURCH PATRONAGE BILL.—(No. 12.) (The Lord Bishop of Peterborough.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF PETERBOROUGH: My Lords, the Bill to which I am about to ask your Lordships to grant a second reading to-night is an attempt to give legal effect to the recommendations of the Select Committee which your Lordships were pleased to appoint on my Motion last year to inquire into the subject of Church Patronage: and I may state at the outset that the Bill neither goes beyond, nor falls short of the recommendations of that Committee. It simply embodies the recommendations of the Select Committee of your Lordships' House on this subject. And, my Lords, if you have looked at the Report and the recommendations of that Committee, you will have observed that, while the Committee has been a large, and, I may venture to say, a remarkably representative Committee, its recommendations are, almost without exception, unanimous. There were only four divisions in the Committee, and two of these only were what might be called very close or narrow divisions. I may say, therefore, that the Bill comes before your Lordships with the almost unanimous recommendation of the Committee. It also comes before you with the almost unanimous *consensus* of the very competent and able witnesses examined before the Committee. It has, further, the advantage of representing the views of two Committees of the Upper and the Lower Houses of Convocation; and I think I may venture to say also that it represents, in the main, the wishes and opinions of nearly all my right rev. Brethren of the Episcopacy. Therefore, my Lords, I believe I may say that I come before you not only with my own opinion, but having that accompanied by very important and intelligent opinion on the subject. My Lords, in the first place, I think I may claim that the evidence taken by the Committee, and the Report drawn up by the Committee, do affirm the necessity for some legislation on this subject; for your Lordships' Committee distinctly states that there are serious and practical evils connected with the present system of Church Patronage,

and that the existing provisions of the law on this subject are very insufficient and demand a remedy. So far, therefore, the necessity for legislation in this matter is made out.

Before, however, I proceed to explain the details of the Bill, which is mainly one of details, I have to say a few words as to the principle of the measure; and I do not think I can state what that principle is better than it is thus stated in the first paragraph of the Report of the Select Committee, which is in these terms—

“As regards the first of these questions, the Committee are of opinion that all legislation affecting Church Patronage should proceed upon the principle that such patronage partakes of the nature of a trust to be exercised for the spiritual benefit of the parishioners, and that whatever rights of property originally attached, or in process of time have attached, to patronage, must always be regarded with reference to the application of this principle. All exercise of the rights of patronage without due regard to the interests of the parishioners, should, so far as possible, be restrained by law; and the law should also aim at imposing such checks on the exercise of his choice by the patron as should prevent, as far as possible, the appointment of unfit persons to the cure of souls.”

My Lords, this is the principle of this Bill—that patronage is not merely and not mainly property—that it is a trust; and that if it be property, so far as it is property, “it has its duties as well as its rights,” and that every patron is to be regarded as exercising a most solemn and important trust in behalf of the parishioners. In one word, the object of all legislation in respect of patronage is to secure that we shall have—not, perhaps, the best possible man, but, at all events, a good and fitting man—as the minister to whom is given the government and cure of souls. It is quite clear that if you recognize that patronage is a trust, this trust may be violated in one of two ways. It may be violated, in the first place, by an unfit appointment on the part of a corrupt patron; or, in the second place, it may be violated by an unfit appointment on the part of a careless patron. The object of legislation on this subject, therefore, is to prevent a corrupt exercise of patronage, and also to prevent a careless exercise of patronage. The law of the land has always set itself against corrupt practices—that is, against the passing of money between the patron and the presentee—against the purchase of a high

and sacred office for money or money's worth. The law, however, goes further, and has attempted to prevent abuse not merely in the exercise of patronage, but in the transfer of the right of patronage—that is, in the sale of advowsons or of next presentations. So that the policy of the law is not to favour corrupt patrons. Admitting for a moment, what I am not prepared to concede absolutely, that the sale of the right to exercise patronage is ever advisable, the Legislature interferes with the exercise of this right, and says that it shall not be exercised under circumstances that give undue facilities for corruption. In the next place, the law of patronage requires that there shall be fitness on the part of the presentee—that there shall be some guarantee of the fit exercise of the patronage. In order to secure this, the patron himself does not appoint, but presents his nominee to the Bishop, who is the judge of his fitness. The law on this subject, therefore, resolves itself into this—a recognition of the patron's right, but provision on the one hand against a corrupt exercise or a corrupt transfer of that right; and in the next place, provision for the appointment of good and fit men under the system of patronage; and, in the third place—and to this I ask the especial attention of your Lordships—recognition by the law of the Church and the law of the land that the Bishop is the proper person to see that the patronage is duly exercised. This latter recognition makes the Bishop the guardian of the trust as regards the parishioners; what the Bishop has to regard, before God, being the fitness of the presentee and the right of the parishioners to have a good pastor. But, my Lords, I submit this Bill to your consideration, because, in respect of each of these three things, the present state of law is defective, and needs amendment.

My Lords, I may say before I go into the details of this measure, that the object of it is not merely and not mainly to prevent the improper exercise of patronage by private patrons—your Lordships will see that its details deal very largely with public patrons. Its object is not to single out private patrons as if they were especially corrupt and especially unwise, but to require a proper exercise of patronage, whether by private or by public patrons.

Omitting the first three sections of the Bill, let me now point out to your Lordships its main provisions. The 4th section provides that—

“From and after the commencement of this Act all donative benefices shall become presentative benefices, and shall be subject in all respects to the laws which may be in force in relation to presentative benefices and to the patrons and incumbents thereof.”

I had occasion last year to point out what a donative benefice is. It is a benefice to which the patron presents directly, as he might appoint his chaplain or his butler, without presenting him to the Bishop. In the next place, the person appointed to a donative does not resign to the Bishop, but to the patron. Such an arrangement affords facility for simony, while it cannot be defended by any valid argument. If it be right that the Bishop should ascertain the fitness of the presentee of an ordinary patron before he is instituted to a cure of souls, on what principle of reason or common sense is it that about 100 patrons—for there are not more than about 100 donatives—have the anomalous and dangerous privilege of putting their nominees in a cure of souls without their fitness having been tested? Either all clergymen who can acquire benefices should go into them without any testing of fitness, or there should be such a testing for all. Why 100 men should have the peculiar and extraordinary privilege of exempting their nominees from the test required of all other nominees is what I cannot see. Again, I would ask your Lordships to look at the mischievous effects of allowing the holder of a donative to resign without the leave of the Bishop—a thing which no other holder of a benefice is permitted to do. The consequence of it is this—a man engaged in the most nefarious transaction—in the most simoniacal transfer—may come to his Bishop, and say, “I want to resign my benefice.” The Bishop may reply, “I shall not allow you;” but this clergyman goes off, and buys a donative for, perhaps, £20 or £30, which releases him from his benefice. In possession of the donative, he completes his nefarious transaction, and then re-sells at, perhaps, a profit, the donative to the patron from whom he purchased it, and defies the Bishop. To remedy such abuses, it is proposed by Section 4 to put donatives on the

footing of presentative benefices;—and this is only in accordance with a recommendation made by the Royal Commission on Ecclesiastical Courts in 1832. The Commissioners said—

“We are clearly of opinion that all distinctions whatever should be wholly abolished, and that donatives should be placed under the same jurisdiction, law, and authority as all other benefices. From the adoption of such a measure uniformity will be preserved in the government of the Church; and we do not anticipate any injury to the just rights of patrons or incumbents.”

Assuming, for the moment, that under this Bill all patrons and all benefices would be placed under one rule, the next question is, what means shall be given to the Bishop for performing the paramount duty of testing the fitness of the nominee. The Select Committee of your Lordships' House recommend—

“That some mode of testing the validity of the Bishop's objections to a presentee should be devised which shall be less expensive and tedious than the present processes of *duplex querela* and *quare impedit*, and which shall be equally open to the clerk and to the patron.”

My Lords, the Select Committee might have alluded to the *jus patronatus*, for there are three actions in which the Bishop may enter, or into which he may be dragged. The *jus patronatus* is one; but, as it is a useless process, inasmuch as it determines nothing, it is completely obsolete. It is simply a Commission by the Bishop which finally decides nothing; and therefore this opportunity may as well be taken for its removal from an obscure corner of the Statute Book. Accordingly, Clause 5 provides for its abolition, and also that no proceedings in the nature of a *duplex querela* shall be instituted in any Ecclesiastical Court. The *duplex querela*, the second process, is one by which the clerk can proceed against the Bishop; and the *quare impedit*, the third, is one by which the patron may proceed. Now, I do not see why the unhappy Bishop should be harassed by two different suits in two different Courts—why he should be prosecuted by the clerk in the one Court, and by the patron in another. I cannot see why the clerk and the patron, having the same interest, should not prosecute their suit in the same Court. I may mention that until the Gorham case, there was no example for 140 years of the *duplex querela*. By Clause 6, it is provided that—

The Bishop of Peterborough

"From and after the commencement of the Act no action of *quare impedit* shall be brought for the purpose of determining any question which may be the subject of proceedings under this Act."

The effect of this will be only to remove from the process of *quare impedit* all questions relating to the fitness of the presentee. Questions as to patronage—where the right of the patron is in doubt or is questioned—will remain to be dealt with by that process. At present refusal for heresy or ignorance is tried by an Ecclesiastical Judge, as it is laid down that in such cases the Court shall write to the Metropolitan to certify thereof. It appears to me that questions as to the fitness of the nominee to institution for the cure of souls, and questions as to acts of simony may with advantage be withdrawn from the Common Law Courts. It appears to me that such questions are hardly fit questions to be tried by a Judge and jury. I am aware that this proposal meets with some disfavour on the part of some noble and learned Members of your Lordships' House; but in speaking of them I am reminded of the observation of Lord Ellenborough, that he would never think of submitting to a jury of butchers and graziers the issue whether a man could construe the Greek Testament. If you do submit these questions to a Court of Common Law, they must, as the law now stands, be taken out of its cognizance in some stage of the proceedings. So, at present, there is a stage in proceedings in which, after vast expense and great delay, questions of the kind have to be submitted to a Judge in the position of the Judge to whom I propose to submit questions under this Bill. I propose that they should be submitted, in the first instance, to the Judge appointed under the Public Worship Regulation Act of last Session. The object of this provision is that we should make litigation in respect of such questions as I have indicated much less costly and cumbrous than it is at present. Let me give your Lordships an idea of what the present process is:—First, there is a trial in the Court of Commons Pleas on matters of law; secondly, there is a trial before a Judge and jury on matters of fact; thirdly, there is a reference to the Metropolitan on spiritual matters; then there is the appeal to the Exchequer Chamber; and lastly, there is the

appeal to the House of Lords. The process would be the same if the Judicature Act was in operation—there would be the first trial in the High Court on a matter of law; next a trial before a Judge and jury on matters of fact; then the reference to the Metropolitan on spiritual matters; next appeal to the lower Division of the Supreme Court of Appeal; and, lastly, a hearing by the first Division of the same Court. Let me state one simple and astounding effect of all this. The Bishop of Exeter resisted the appointment of an unfit clergyman—a man so unfit that he was subsequently suspended for three years,—and it took a no shorter period than nine years and a-quarter to decide that suit, which was ultimately decided in this House. My Lords, what can you expect a Bishop to do under such circumstances? Is it commonly reasonable or commonly decent that an unhappy Bishop should be exposed to this protracted agony of litigation and to terrific costs, for objecting to the institution of a man who afterwards was suspended for three years? I have now to call your Lordships' attention to the 7th clause, which is in these terms—

"From and after the commencement of this Act the Bishop may, if he think fit, refuse, without assigning further reasons, to institute a presentee on the ground that, having been ordained deacon after the passing of this Act, he has been so ordained within three years next before the date of such presentation, or on the ground that he is at the date of such presentation more than seventy years of age."

This is not without precedent. At present a man must wait for admission to a benefice till he is 24—I propose that he should wait till he is 26—that is, till he has had some experience in the government and cure of souls. For offices in the legal profession it is required that barristers should have a certain standing—seven years in some cases and ten in others, and a clergyman cannot be made a Bishop till he is over 30 years of age. The strongest objection I have heard to the course I propose is that it will seriously interfere with the matrimonial views of young clergymen. I sympathize with the feeling in favour of early marriages on the part of the clergy; but a marriage present of a parish with 20,000 souls to a young lady on her wedding-day even in these days of profuse and expensive wedding presents is rather an

extravagant gift. I think it right to say that on this first provision in the clause I did not carry a very large majority of the Committee with me; but on the latter provision—that referring to clergymen over 70—the case was different. It is a provision aimed against those persons who, knowing well what they are doing, deliberately choose the very oldest or most decrepit man they can find for an incumbency in order that they may be able to sell the living over his head. I hope that when addressing your Lordships on the subject last year I did not use very strong language, and I have avoided doing so on this occasion also; but I cannot refrain from branding this putting in of an unfit man—this knowingly appointing an unfit man to a cure of souls—as a deliberate iniquity. I say there are men now serving their term of penal servitude for fraud and conspiracy who are guilty of less deliberate fraud and less odious conspiracy than the fraud and conspiracy of those patrons who thus make a corrupt merchandise of the cure of souls—of the clergyman who makes a merchandise of his known infirmities and feebleness, and the avaricious and conscienceless patron who thrusts him upon parishioners who hate and detest him, knowing that they have been sold for so many pieces of silver. This, I say, is a practice which makes the Church stink in the nostrils of many who might otherwise come within her fold. An incumbent, aged 75 years, came to myself within six weeks after his appointment, and asked me for perpetual leave of absence on the ground of age. The only consolation I had in connection with a transaction of the kind was that I refused the application. I ask in the 9th clause of the Bill that the Bishop may have power to refuse to institute a presentee on the ground that—

“he is, in the opinion of the Bishop, unable from bodily infirmity to perform adequately the duties of the benefice to which he has been presented.”

I think there is necessity for such a clause, because I am advised that at present a Bishop would actually have no power to refuse to institute a man on the ground of the candidate being paralyzed. But I ask your Lordships to observe that in this, as in every other case of refusal to institute by the Bishop, this Bill gives him no veto—it only gives

him power to object, subject to the decision of a Court of Law.

My Lords, I now come to a very important clause in the Bill which introduces a principle to some extent new. It is Clause 11, which provides that any three or more parishioners may, within a period limited in the clause, enter a *caveat* to the institution of the presentee. I do not see why what would be an impediment to a man's ordination should not be an impediment to his institution to a cure of souls; and neither can I see why objections to a man's institution should not be made in an open manner and duly investigated in the presence of the parties. At present a Bishop sometimes receives a private letter, in which it is stated—“We know So-and-so to be unfitted, but we trust you will not mention our names in the matter.” The Bishop knows that there is no use in objecting, because the writers will not come forward, and reluctantly, institutes the clergyman. Then a letter appears in the newspapers, asking “What is the use of a Bishop?” I ask in fairness to the Bishop—I ask in fairness to the incumbent—that scandal should not be spread about in this way; but that there may be a mode by which persons who have anything to allege against the clergyman may bring it forward and have an investigation. I ask this also on the ground that it will be held *in terrorem* over the heads of those who would attempt the appointment of unfit persons. I ask it, further, in order that parishioners may feel that they are not sold—that we may not hear of parishioners saying—“Who bought us? We hope he is a good man, but we have no power to object.” By Clause 19 of the Bill I propose that every patron on presenting a nominee shall make a declaration similar to that which is to be made by the presentee against simoniacal transactions. Why should it be regarded as an indignity to the patron if it is not so regarded in respect of the clergy? And I do not think anyone concerned in the appointment of a clergyman to the cure of souls should object to give every reasonable guarantee for a proper discharge of his share in the matter. In these days, when appointments made by the Episcopacy are so much scrutinized, I should be only too happy of an opportunity of vindicating before the parishioners any appointment I might make.

The Bishop of Peterborough

In Clause 20, your Lordships will observe a very important alteration is proposed in the existing law. The declaration against simony is to be abolished. That declaration is simply preposterous. It asks a man to declare that he has not committed simony, and it punishes him if he does commit it; but it does not tell him what it is—the declaration leaves him to find that out by the light of his own conscience or by the assistance of his lawyer. I ask that you shall forbid, not the name of the thing, but the thing itself. I ask that the patron and the clergyman shall declare—not that they have not committed simony, but that they have not done so and so which is forbidden by law. In the 22nd section provision is made for the punishment of those who aid and abet in a simoniacal transaction. The object of this is that the heavy hand of the law may be laid on those men who make money by a corrupt trafficking in Church patronage. To my certain knowledge honest and conscientious clergymen have been inveigled into simoniacal transactions by these men, and have not discovered the nature of the negotiations until they were already drawn on too far to retreat. By the 24th section I ask that all deeds or agreements relating to the advowson of a benefice shall be duly registered. If your Lordships were only aware of the number of “confidential” circulars sent to clergymen by these benefice-mongers you would at once see the necessity for this clause. These traffickers in Church livings state that their communications are “strictly confidential;” that “every reliance may be placed on the secrecy” of the negotiations, &c. I can compare their circulars with none others but those sent to young officers by money lenders. If livings are to be sold like horses, let the sale of them be as public as that of horses, and I only wish there could be a warranty for the honesty of the vendors. If your Lordships look to the 25th and 26th clauses, you will find provisions for preventing evasions of the Statute of Queen Anne. By these clauses payment of interest on the purchase-money of an advowson will be illegal. In the Select Committee cases were mentioned of incumbents who are also patrons of their own livings, and who sell their advowsons with an understanding or a contract that they will pay interest for the money

to the purchasers until they are void with a view to their own resignation as soon as they think convenient. I object to that. It is as wrong to buy a pastorate as it is to buy a judgeship. A man ought not to be allowed to buy a high and solemn office. It may be said that he does not buy the office, but only the right of presentation to it. I do not wish to introduce the ludicrous into a discussion of this matter; but the case seems to me like that of a man who buys a house with a solemn promise that he will not allow any one into a certain room in that house. He keeps that promise, but he lets to any one who will pay for it the key which gives admission to the room. But I have heard it said—“Why should not a man buy a living as a doctor buys a country practice.” There is this difference—that you need not employ the doctor who buys the practice if you do not like; but you must employ the clergyman. You do not allow a medical man to purchase the post of surgeon to a regiment or to a ship. To prevent such abuses, Clause 26 of this Bill provides that the clerk purchasing an advowson shall not have the next presentation. I believe that is the only way of preventing these abuses under the present system; but I must say that my own conviction is that the axe never will be laid to the root of the evil till you entirely prohibit the sale of next presentations. There is, as I have before alleged, an essential difference between the sales of advowsons and that of next presentations. The patron who sells the advowson parts with the trust; but the patron who sells only the next presentation retains the trust with all its advantages and responsibilities, but sells to another the right of coming in and exercising that trust which he is bound to exercise himself. It may be asked, then, why I do not propose in this Bill to entirely prohibit the sale of the next presentation. My simple reason is that I was not so fortunate as to obtain the assent of your Lordships’ Select Committee to that proposition. On a division on this point there was a majority of one against me. I have no wish to conceal my disappointment; but I may mention that the division to which I allude was not taken in presence of the whole Committee. Members were absent who would have voted with me; but having moved for the Committee myself and having acted as its Chair-

man, I felt loyally bound not to propose anything in this Bill which the Committee did not recommend. Your Lordships can of course introduce this provision if you wish; and I may add that your Lordships will find from passages in the Report that the Committee was of opinion that certain recommendations introduced in this Bill were equivalents for such a prohibition, and that in the opinion of the Committee if those recommendations should fail, then the way would be open to further legislation in the way of preventing the sale of next presentations.

I trust your Lordships will be of opinion that I have brought forward no vague or crude or revolutionary measure. Certainly it has not been my wish to do so. I have studied this question as a painful study for more than two years, and in consideration of it I have been assisted by amateur legislators with some claim to a knowledge of the irregular and confused lines of our legislation on Church patronage. I believe it will be found that in this Bill the question is treated on a true and sound principle. I am afraid there will always be abuses in every system of patronage; because so long as you have men to give and men to receive you will always have to make a large allowance for the infirmities of human nature. Those who are dissatisfied with our Church patronage system are too apt to forget in the heat of their denunciation and vituperation what abuses might be likely to arise in any other system which might be substituted for it. I have no wish to substitute for the large and varied system that now exists any system of popular election. I am quite certain of this — that the Church of England, taken altogether, presents in her clergy a body of men who for integrity, piety, and a self-sacrificing discharge of the duties of their office may bear comparison with any clergy in the world. I cannot believe, therefore, that our system of patronage, however defective it may be in some respects, can be so thoroughly wrong, so thoroughly corrupt, as those who, viewing it from the outside, are pleased to say it is. I do not believe that the patrons in the Church of England and the clergy of the Church of England are that seething mass of corruption which some great persons describe them to be. I do not believe that, as a body,

the patrons of livings are unscrupulous men. On the contrary, I believe that, as a rule, the Church patronage of this kingdom is exercised with a conscientious sense of the duties of their trust both by public and by private patrons, and that among the latter are many men who are not only conscientious, but generous and munificent patrons who have established a right to their patronage by large gifts to the Church. I say, therefore, my Lords, that I have no wish to abolish private patronage. Because I believe that private patronage is of immense value to the Church, and because I desire to preserve it from angry, revolutionary, and unjust assaults, I wish it to be fortified by reform in order that it may have a lasting lease of life. Therefore, in the interest not merely of the private patrons, but in the interest of the Church and of the nation, which I believe are in God's providence indissolubly bound up now as they have been in the past history of the country, I earnestly desire a wholesome, wise, moderate, and yet efficient reform of our system of Church patronage. It is for this reason that I ask your Lordships to give a second reading to the present Bill, which seems to me to be a step — and I trust that your Lordships will, at all events, regard it as an anxious and honest step — in the direction I have indicated.

Moved, "That the Bill be now read 2^a."
—(*The Lord Bishop of Peterborough.*)

THE DUKE OF RICHMOND: My Lords, I think it right to intimate at once the course which Her Majesty's Government deem it proper to pursue in reference to this Bill. It would be doing an injustice to the right rev. Prelate and to my own feelings towards him if I did not take the earliest opportunity of saying that this House and the country are greatly indebted to him for taking up this subject as he has done, for the manner in which he conducted the proceedings of the Committee of last year, and for the great service which he has done to the Church by bringing the matter under the consideration of your Lordships. No one can be blind to the fact that occurrences connected with the exercise of Church patronage have for some years caused considerable scandal, and it is only right and prudent that an attempt should be made to grapple with

The Bishop of Peterborough

the evil. I will not now follow the right rev. Prelate into all the details which he has brought under the notice of your Lordships; but while agreeing with him in many of the points to which he has referred, and believing that it would be right and proper to accord a second reading to the Bill, I would venture to suggest to him, having read the clauses with great attention, that if the measure receives the sanction of your Lordships to-night by passing the second reading, it should then be referred to a Select Committee of your Lordships. I say this because I think that every one upon reading the Bill must admit that it is drawn in a manner which will render considerable correction necessary. The right rev. Prelate himself says that it is essentially a Bill of details—that it is a mass of details put together; and I venture to think these details would be better discussed and more easily set right by a Select Committee than by a Committee of the Whole House. There are parts of the Bill to which I will venture to call the attention of the right rev. Prelate, which I think will require very considerable discussion, and for the retention of which it will be necessary to give more reasons than at present appear. In the first place, I do not quite follow the right rev. Prelate in the reasons he gave for abolishing the present mode of dealing with the matter under consideration—namely, by Courts of Law. With regard to the Judge to whom the right rev. Prelate would transfer the jurisdiction, I can only speak, like him, in terms of the highest respect; but at the same time I do not think he has adduced sufficient arguments for altering the present mode of proceeding. Then, the clauses of the Bill are drawn at such length that when one has got to the end of a clause one has almost forgotten what was at the commencement of it; and for this reason also it is necessary that the Bill should be discussed in Committee. As to the 8th clause, it may be a question whether, at all events, a part of it should not be omitted. It requires that a presentee should send to the Bishop a testimonial, in a prescribed form, signed by three beneficed clergymen, and it gives the Bishop power to refuse to accept the testimonial if he thinks that any of the subscribers to it are not worthy of credit. Now, it does seem hard that a presentee

who may be himself in every respect worthy should lose the living because one of the subscribers to his testimonial is in the opinion of the Bishop unworthy of credit. And how would the Bishop prove, if the matter came before a Judge, that the person was really unworthy of credit? It would be very hard both to the patron and the presentee if this power were given. Moreover, it is proposed that the Bishop should have power to refuse to institute a presentee if he thinks he is suffering from such bodily infirmity as would render him unable to discharge his duties. I do not mean to say that it might not be possible to indicate in a clause or Schedule what is to constitute bodily infirmity; but it seems to me that the patron and presentee would be put in a very false position if the provision remained as it stands. There is another clause—also one of considerable length—which appears to me to be of a very extraordinary character. There has been a good deal said, and more remains to be said, about “Exchanges” in the Army, but I think that Clause 23 of this Bill recognizes payments for exchange to a very much greater degree than can ever have been contemplated in connection with any service under Her Majesty. It provides that—

“From and after the commencement of this Act all exchanges of benefices between the incumbents thereof shall be made by the execution by such incumbents of a deed of exchange in the form prescribed in the rules and orders, and such deed may contain a covenant for the payment of a sum of money by either incumbent to the other, subject to such conditions as may be agreed on.”

So that a man who has a small living and a great deal of money, may get another man who has a large living and little money to exchange benefices with him in consideration of a payment of £5,000 or other large sum. Some proviso is necessary with the view of preventing abuses of the system of exchange. I repeat that, while agreeing to the second reading of the Bill we think it ought to be referred to a Select Committee, where the details to which I have alluded could be discussed more satisfactorily than in this House.

THE MARQUESS OF LANSDOWNE said, that no one could regret more than he did to find himself, even in appearance, the opponent of any proposal made by the right rev. Prelate for the

objects which he had described so eloquently. That the subject was one well worthy their Lordships' consideration every one would admit. The Select Committee who considered this subject were at one as regarded the existence of the evils which had to be dealt with—evils which had been described by the right rev. Prelate in language no way exaggerated. But the Committee differed as to the means which ought to be adopted to mitigate those evils. There were two distinct lines on which they approached the subject. It was open to them to consider, first, whether any safe-guards might be devised against the abuses of the rights of patrons; and, secondly, whether those rights were not in themselves mischievous or excessive. Now, with regard to the former, it was unnecessary for him to recapitulate the different steps which under this Bill could be taken in order to prevent the corrupt or injurious exercise of the right of presentation. Their Lordships would see that the Bill tended to strengthen the hands of the Bishop by enabling him to resist an improper appointment; that it gave an important liberty to the parishioners to object to the person nominated; and that in various other ways it provided checks on the exercise of the right of patronage. All these were steps the importance of which could not be over-rated; and in addition to the good effects which might be anticipated from these provisions, the Bill would have a very beneficial operation in the attention it would attract to the abuses which had been referred to with such just indignation by the right rev. Prelate. The question which the Committee had had to decide was, whether, admitting that the steps proposed by the Bill ought to be taken, further steps ought to be taken also; whether, in addition to setting up safe-guards against the abusive exercise of the patron's rights, it was necessary to curtail those rights themselves. In considering this question, a distinction must be kept in view between the right of the sale of the next presentations and the right of the sale of advowsons. There was a remarkable unanimity of opinion among the witnesses before the Committee as to the imprudence of making any change with regard to the sale of advowsons. The result of the inquiry had, he believed, been to leave the system of pri-

vate patronage, in so far as advowsons were concerned, more firmly established than ever. With regard, however, to the sale of next presentations, the case was not so clear. The right rev. Prelate, as their Lordships were aware, held a very decided view upon this subject; but the Committee had not adopted that view, and the right rev. Prelate had in consequence, when giving effect to the recommendations of the Committee, found himself precluded from embodying in the Bill the provision to which he himself attached most importance. His own feeling was opposed to the view of the right rev. Prelate, for he believed that if the law with regard to advowsons were to remain unchanged, it would be impolitic, at all events, for the present, to alter the law affecting next presentations. Was it true, as represented by the right rev. Prelate, that there was a distinction in principle between the rights of the patron in the two cases? It was contended, on one hand, that the right to sell the advowson necessarily included the right to sell the next presentation, on the ground that the whole must necessarily include the less—the right to sell the advowson being no more than the right to make several presentations in succession. It was said, on the other hand, that the advowson being in the nature of a trust, it was competent for a man to divest himself of the whole trust, but not of a part of it. Those arguments he would leave to be discussed by noble and learned Lords. His own view of the question was that, even supposing any difference in point of principle existed between the two rights, it was perfectly competent to the Legislature to deal with the sale of next presentations in a different manner from that in which they dealt with the sale of advowsons, if the one were found to give rise to evils which the other did not. There were, however, present to his mind three practical objections to the proposal of the right rev. Prelate. His first objection was on the ground of the expense which would be incurred in carrying it into effect. His second objection was that the proposal would not prove an effectual remedy for the abuses sought to be put an end to; and his third objection was that the remedy was, or, probably, might be, a needless one. With regard to the question of expense; it was not for him to say to what extent

the patrons would be entitled to compensation, should their rights be thus curtailed; but he hoped that if it were necessary to compensate them the sum necessary, whether provided by the nation or out of the funds of the Church, would be liberally and cheerfully paid, in order to get rid of these scandalous practices. But his main objection to the proposal was that the remedy it offered would be ineffectual. Suppose that the sale of next presentations only were forbidden, the effect would be that the traffic in the sale of advowsons would be enormously stimulated;—and this view had been fully supported by the evidence which Mr. Dunn and Mr. Leigh had given before the Committee. Now, as the scandal attached to the idea of traffic, and not only to the idea of traffic of that particular kind with which the right rev. Prelate was anxious to deal, it would obviously not be suppressed, but only partially, if at all, mitigated by a limitation of the traffic in presentations if the traffic in advowsons were allowed to survive. The objection that the restriction proposed by the Bill was or might be needless was grounded on the fact that the other parts of the measure would enormously strengthen the power of the Bishop, and would give additional publicity to these objectionable transactions, which were now conducted under the shelter of secrecy and obscurity. It would, at all events, be prudent to try for a time the effect of the Bill as it stood, and not at once to pledge the country to a very cumbrous and possibly expensive mode of checking the evils complained of. He should be glad to see a fair trial given to the provisions of the Bill, and should they fail he should then gladly support a Bill as stringent and vigorous as this one was lenient in its operation.

THE BISHOP OF EXETER said, he thought it was the duty of those right rev. Prelates who had looked carefully into this subject to lay before their Lordships the various aspects of the question, as they were necessarily more acquainted with the facts than any other Members of this House. There were two distinct classes of lay patronage in the Church which were sufficiently distinct in their character and in their incidents. There was, in the first place, the class of private patronage, which was exercised personally by the patron.

He was convinced of the great advantage of private patronage so exercised, having witnessed the extreme care and conscientiousness with which lay patrons investigated the fitness of the clergymen whom they selected to fill the benefices at their disposal. Judging from what he had seen in his own benefice, he could say that nothing could be more advantageous than the relations which subsisted between the lay patrons and the clergymen so appointed, as it afforded a guarantee that all the parties would work together heartily for the good of all. If this were the only class of private patronage exercised in this country, it would do no great harm, and such evils as did exist under it would be almost lost sight of in the great advantages it conferred. But, unfortunately, there was another class of lay patronage which it was necessary to speak of very differently indeed—that of livings which were continually in the market and which were perpetually being bought and sold over and over again. It was this class of private patronage which gave rise to all the evils that had been indicated, and which they were now trying to get rid of. In his opinion, no Bill that merely dealt with the symptoms and not with the true cause of the evils would be efficacious in removing those evils from which the Church now suffered. As long as the system of selling livings in the market existed, so long would there be not only a great scandal attending the Church and the work of the Church, but there would of necessity be a perpetual recurrence of all those mischiefs to which reference had been made: and he did not think that any legislation would be sufficient effectually and finally to do away with them. Such a Bill as the present would do real good—more good at first than perhaps afterwards. It would do good until the lawyers succeeded in finding out how to evade its provisions and the process would forthwith commence, and in no very long space of time they would find that their legislation must be renewed with precisely the same evils to deal with, although, perhaps, in a somewhat different form. Meanwhile there was going on this great scandal of the public sale of those trusts belonging to the Church. Their Lordships generally could hardly understand how great was the mischief done by the mere

scandal, without reference to the actual wrong done. He and his right rev. Brethren, who were constantly meeting with persons in the lower classes and hearing what they felt on such a matter as this, knew how great was the evil. It was constant matter of conversation among such people. They felt it to be a kind of personal degradation that the interests of the parishioners should be made the subject of bargain and sale, and they were taunted with it by those who did not belong to their own communion. The Nonconformist shopman taunted the Churchman in the market with the fact that the parish to which he belonged had been sold over his head, and that he had to accept the parson who had bought the place with his money. Not long since an eminent Member of the late Government brought a heavy indictment against the Established Church in a speech addressed to his constituents, and one prominent feature of that indictment was the scandalous traffic in livings—not the abuses arising from it, but the scandalous traffic itself. So long as that traffic existed, so long would it be a source of weakness and a blot and disgrace to the Church. It should not be forgotten that grave imputations might be more or less mischievous according to the nature of the institutions against which they were cast. In every institution there were particular points, an imputation upon which would touch the very life. If, for instance, it was said of the whole Army that the great body of them were immoral, although it would be a very grave and serious thing to say, yet it would not of necessity affect the efficiency of the Army. It would still for the purpose of defending the country be an efficient instrument. But what Army could stand if there were an imputation against its courage, and that imputation was not resented? What Army could bear to have it said of them that they were an army of cowards? The imputation would demand the most complete refutation. The same thing was true of a Church charged with trafficking in men's souls. It interfered with the strength and efficiency of the Church. It made many feel that they ought not to belong to such an institution. It put a stumbling block in the way of tender consciences. And surely when such an imputation was cast against the Church,

there ought to be some overwhelming reason for persisting in upholding such a system. It ought not merely to be said that certain advantages came out of it—that here and there good men were put into livings. That would happen in any system. So it was possible in former days to defend the sale of indulgences and masses—he did not doubt that they would be defended on the ground that if they did real good—that masses encouraged the kindness of one man to another, of relative to relative, of the rich for the poor. But now that the system was gone, could it be for a moment tolerated on any such ground? He entirely admitted that good men were brought into the Church here and there; but the gross evil and scandal of the sale would be seen when it was considered what a man sold who sold a living. He sold one of the most important trusts which it was possible for a man to hold. Upon him depended whether there should be in the parish a good man, a judicious man, a devoted man, a really religious man; or, on the other hand, an idle man, a careless man, an irreverent man, a man with a bad temper, a man with no heart in his work. What a difference that would make with the young, with the aged, with the sick. How many were there who had reason to thank God for a conscientious and careful patron, who had brought to the parish a really right-minded clergyman! Well, this trust was to be sold—the patron was no longer willing to continue in the discharge of it. And was there care taken that the person to whom it was to be handed over was a fit person to exercise it? No. That was entirely left to the solicitor, whose duty it was to make the best bargain he could. In fact, as soon as the trustee had determined to treat his trust as a merchantable commodity, all his conscientiousness departed, and his one consideration was the amount of money he was to get for it. But that was not all—for livings were sometimes sold by public auction, and everyone knew the effect such a thing had upon the people of the parish that was sold; and yet the sale by public auction was simply the open exercise of a right which was more often exercised less openly. A public sale was the naked assertion of a principle. Sometimes the Law itself was party to such

a sale. If, in a marriage settlement, it was provided that in certain contingencies the trustees should sell—or the executors named in a will—the trustees or executors would have no choice but to sell by public auction. He knew it would take a long time to persuade the country and the Legislature to deal effectually with such an evil as this; but it was the duty of all those who looked closely into the matter to press the necessity of sweeping away so great a scandal upon those who had any voice whatever in dealing with it. As long as it existed, not only would it be impossible to get rid of the evils which they all deplored, but it would be a perpetual source of mischief to the whole Church. It was only in proportion as these sales could be checked, that the object they all had in view could be attained. The difficulty was that property of this kind should have been created, because when people had purchased such property it was impossible not to allow them to sell it; and if they were not allowed to sell, compensation must be given to them. A certain portion of every living really belonged to the patron; and if he wished to part with the trust he might take away the part of the living that belonged to him, and leave the rest to provide for the spiritual wants of the parishioners; and this was the only mode of reconciling the rights of the patron with what was due to the Church. He only rose to protest against the idea that any mere palliatives should have the effect of preventing the great and serious evils which had been brought under their notice. No one who had carefully studied the working of the Church could come to any other conclusion than this—that as long as the sale of advowsons and next presentations went on, the Church of England would be unable to present to the people at large the aspect which she ought to wear.

THE EARL OF HARROWBY said, he was glad it had been admitted by the right rev. Prelate (the Bishop of Exeter) that there was no real difference between the sale of advowsons and next presentations, and that if their Lordships wished to meet public feeling in this matter they must go further and abolish the sale of advowsons. But what did that come to but the abolition of the right of private patronage? Parliament could not say to a patron—"This living

is your property, but it must never be sold, and must always be retained in your own hands." Would they tell a landowner that his patronage might be divided and sub-divided among his heirs, male or female, but must never be sold by himself or any one of them? The consequences would be absurd and disastrous. It would only be another way of destroying its value as property. It would be better to abolish private patronage altogether. Then, suppose that private patronage were accordingly abolished; what would be put in its place? Public patronage. But whose? Was it to be placed in the hands of the Crown, or in the hands of the Bishops, or left to the election of congregations? In the latter case it would be fraught with evils far more intolerable than those now complained of. Private patronage was now mainly connected with the landed estate of the country; but was it fit to tie it up to that one class, and not admit the moneyed and commercial interests of the country to participate in it? What avenue to the Church, except by purchase, was offered to the sons of wealthy men not connected with land? A leading merchant or banker might have among his sons one who was studious and pious, and who wished to go into orders to do good to his fellow-creatures—what chance would he have of obtaining a Church living if the sale of advowsons were prohibited? It must be remembered that the merits and qualifications which make up a good clergyman were not to be ascertained in the market-place, or made public, as in the law and other professions. What was now done? The merchant said to his son—"If you wish to go into the Church I will buy you a living;" and there could not be a better subject for a clergyman than the pious son of a man belonging to the mercantile and trading classes;—and yet, if the sale of livings were prohibited, that class would be shut out, and Church patronage would be confined to the landed gentry. Their Lordships must look at this question on all sides, and not be led away by a cry against the sale of spiritual functions. These were conferred by the Bishop at his ordinations without pecuniary considerations, and patronage gave merely the power of exercising these functions in one place rather than another. He was also of

opinion that greater facilities ought to be given for exchanges in the Church. They were often very desirable on many accounts, but they were now exceedingly difficult; and he could not see why, under proper regulations, exchanges of livings should not be more easily made. Concurring in the desirability of sending the Bill to a Committee upstairs, where the details could receive closer and more exact attention, he wished to pay his tribute of respect to the manner in which the right rev. Prelate (the Bishop of Peterborough) had brought the matter before the House, and also before the Committee of last year over which the right rev. Prelate presided. His temper, his patience, his consideration for others, and his known ability enabled the right rev. Prelate to discharge the duties of Chairman, in a very difficult matter, with an efficiency that had not often been exceeded in that House.

LORD STANLEY OF ALDERLEY said, he entirely concurred in the principle and general scope of the Bill, but thought there were very great objections to the proposal contained in the 10th and 11th clauses. Even by those who approved its purpose it might be objected to on the ground of its futility; for what was the use of making inquiries as to the character of a clergyman in a place probably a long way off from his previous abode, and where he would probably never have been heard of before? Neither did there appear to be any use or necessity for the third hearing by the Privy Council, which the clause proposed to give, as to the facts of immorality. But he objected altogether to the clause, because it proposed to have that done by three parishioners which it was the duty of the Bishop to do; for it was the duty of a Bishop to be acquainted with the characters of his clergy, and to be able to give an answer as to their character when inquiry was made. There could be few patrons who, however well acquainted with a clergyman, would not, out of courtesy, write to his Bishop before proposing to present him to another Bishop. He also thought the proposed mode of announcing a clergyman from the pulpit and of placarding him on his church doors to his future parishioners as a possible criminal clerk was very objectionable and unnecessary. Criminal clerks were not of such frequent occurrence as to justify

such a step; and where they existed they were too well known to make the proposed precaution necessary. This appeal for denunciation, however, might very possibly open the door to and encourage calumny, and that sort of calumny which it would be difficult to refute or punish; for the right rev. Prelate who introduced the Bill was probably aware that traps might be set for young curates by persons sending doubtful characters to them in the guise of penitents. Another objection to the clause was that it was not based on any existing legal foundation, and that it would have a tendency to introduce a desire for that use of election in the Church which the right rev. Prelate was so rightly opposed to; for their Lordships would remember the emphasis with which last Session he had spoken of trial sermons and competitive prayers.

THE ARCHBISHOP OF CANTERBURY: My Lords, I cannot help thinking that an important distinction may be drawn between the sale of next presentations and the sale of advowsons. I also desire to call attention to another matter which seems to have escaped observation—the bonds of resignation. Perhaps your Lordships are not aware of the state of the law with respect to these bonds. The whole argument of to-night has rested on the theory that the rights of patronage are a sacred trust. It appears to me that the Act as to bonds of resignation which was passed some time ago tends very greatly to encourage the idea of property rather than of trust in matters of patronage, in as far as these bonds of resignation seem to recognize property alone and not trust. In the event of a patron desiring to take a bond of resignation from a person appointed to a living, he may do so either in favour of one person, who may be any individual whatsoever, or of two persons—in which latter case his right of patronage is limited, in what appears to be an extraordinary way, either to his son, or grandson, or nephew, or uncle; as if it were impossible that any other person fit to hold the living could be found except one within those degrees of consanguinity. Had it not been “except” son, grandson, nephew, or uncle, there might have been something to be said for it; but it seems an extraordinary arrangement to be made that, in the event of a person desiring

to influence the patronage after his death, or at some distant period, he is to select a nominee who probably is in his cradle, and whose character must be, therefore, totally unknown; and he is to designate him as rector or incumbent of a parish, the circumstances of which during the 23 years that have to pass before this person comes of age to be ordained may have entirely changed—say from the development of mineral wealth—which may render the position of a clergyman there very difficult. It is rather surprising to me that this matter has not been more carefully considered by the Committee. It is obvious that the whole proposed legislation in this matter is based rather upon the idea of trust than upon that of property. I do not, indeed, expect that we shall be able to obtain a perfect system of patronage as long as human nature remains imperfect; but I do think it is our duty to remove from the Statute Book everything which encourages an imperfect view of the duties which devolve upon patrons in the exercise of their rights. Your Lordships must have been gratified, as I was, by the testimony which has been borne to the mode in which private patronage is generally administered in this country. I should be the last person in any way whatever to desire to diminish the influence of private patrons in the distribution of livings in the Church of England; but I think we are bound to impress by our legislation upon the patrons that it is a sacred trust which they exercise, and that we should throw the idea of property in the living as much as possible into the shade. No doubt, there may be difficulties in overcoming evils which have grown up in consequence of the sale of next presentations, and to a certain extent the same evils may prevail in the matter of the sale of advowsons; but, at all events, if I can persuade your Lordships to stop the sale of next presentations the evils will be greatly diminished. Notwithstanding the speech of my noble Friend (the Earl of Harrowby), I do consider these sales an evil. If I had entered the House a few minutes ago, when my noble Friend was speaking, I might have supposed he was speaking of purchase in the Army, and was advocating that which by universal consent had

been decided against. If the practice has been proved by legislation to have been a bad one for the Army, it does not appear to me it can be a good one for the Church. I cannot help thinking there is a great deal of force in the argument which has been used by my right rev. Brother (the Bishop of Exeter), as to the mere fact of the sale of these next presentations producing much scandal. I do not believe that, except for the purpose of maintaining an hypothesis, it would be possible to defend these sales of next presentations. No doubt good arises out of many most questionable practices; but what we have to consider is what on the whole will be likely to be most beneficial to the Church. I confess when I read such speeches as that which has, I believe, been alluded to this evening as having recently greatly influenced the country, and which was a brief against the Church of England—I think the strongest part of the brief is the attack on this system of the sale of next presentations—I feel great difficulty in knowing how I can defend the Church of which I am a member against accusations which appear to me to be well-grounded. So far as I can gather, all the witnesses before the Select Committee and the Committee itself are in favour of the abolition of the sale of next presentations. I cannot believe that many of those who are most opposed to the Church of England will object to our ridding ourselves of this blot on our Church system. I have every reason to believe that the most worthy members of other denominations would repudiate altogether the policy which is attributed to those who dissent from the Church of England, of desiring to retain as many of our corruptions as possible in order that the institution they disapprove may fall to pieces from the existence of those faults. I believe that high-minded members of other denominations will agree with ourselves that, while the Church of England retains the great post of instructor to so large a portion of the nation as at present, it is the duty of all, whether they approve of the Church or not, to give their assistance to remove evils which are patent to all. I cannot help thinking that even that eloquent voice which has been raised in denunciation of the Church on account of this evil will not be silent,

should this Bill reach "another place," in helping us to rid ourselves of so very great a scandal. I take it for granted that if the Bill is referred to a Select Committee the understanding is that, after bestowing on it the most careful consideration, the Committee will send the Bill back in time for legislation this Session.

THE BISHOP OF PETERBOROUGH acknowledged the degree of favour and acceptance with which the Bill had been received both by the noble Duke, who represented Her Majesty's Government in that House, and by other noble Lords. The recommendations and suggestions that had been made by so many of their Lordships should receive the consideration to which they were justly entitled. On the other hand, none of the objections went to the principle of the measure. He need not dwell upon all the criticisms that had been offered. He would, however, observe that the counter signature of a foreign Bishop to the testimonials of a presentee was not required as an additional testimony to his character and fitness, but merely as an assurance of the credibility and respectability of the witnesses; it would affirm, not the truth of their statements, but their credibility. A case had occurred in which a Bishop wrote—

"I cannot refuse to countersign the credibility of the witnesses, although I think it right to state that during two of the three years referred to the presentee was in gaol."

The question of the necessity of the counter signature of a Bishop was the question raised in the well-known case of "*Exeter v. Marshall*," and the objection to it was that it would give the Bishop an absolute veto. He met that point by allowing the Bishop to object to the credibility of the witnesses, and by making provision for that and all other objections by the Bishop, to be brought before a Judge. The requirement proceeded on the maxim—*Quis custodiet custodes*. In assenting to the proposal of the noble Duke (the Duke of Richmond) to refer the Bill to a Select Committee, he would venture earnestly to express a hope that the Select Committee would be held at such a time, and would conduct its deliberations with such speed as would secure that the Bill should be again brought before their Lordships, and be sent "elsewhere," so as to afford a fair

chance of becoming law, if it should seem fit to the Legislature, this Session.

THE LORD CHANCELLOR begged to say, with reference to the appointment of the Committee, that he had had a communication from Lord Coleridge, expressing his great anxiety, whatever form the Committee might assume—whether it was a Select Committee or a Committee of the Whole House—it should not sit during his absence on circuit till after Easter. Being at the head of the Court where proceedings by *Quare impedit* would take place, he was naturally anxious that he should have the opportunity of carefully looking into the frame of the Bill before it passed through Committee.

Motion agreed to: Bill read 2^d accordingly, and referred to a Select Committee.

TURKEY—COMMERCIAL TREATIES WITH SERVIA AND ROUMANIA.

QUESTION.

LORD STRATHEDEN inquired of Her Majesty's Government, Whether the statements of the public press to the effect that commercial treaties with Servia and Roumania are about to be formed without any reference to the negotiations alleged by Her Majesty's Government to be in progress are well founded? He should consider such a state of things a departure from the Treaty of 1856; and he reserved to himself the right of considering with those Members of the House who turned their minds to foreign policy, what steps should be taken, either with or without Papers, to retard or prevent results which it would be a guarded phrase to characterize as useless and irreparable.

THE EARL OF DERBY: When my noble Friend put a Question to me a few days ago upon this subject, I told him that three great Powers—Austria, Russia, and Germany—had asserted their right to enter into commercial engagements with the Governments of the Principalities irrespective of the sanction of the Porte, and I added that in doing so they had protested strongly against the idea of any intention being imputed to them of violating the treaties into which they had entered. Maintaining, as they do, that the right they so claimed is a right

The Archbishop of Canterbury

conferred on them by those treaties, I think it quite possible, and under the circumstances probable, that these Governments, or some of them, may proceed to act upon the principle which they have laid down. It is clear that they could only have laid it down with the intention of acting upon it sooner or later; but they have not done so as yet, so far as I am aware. I have every reason to believe that communications have taken place between these Governments and the Government of the Principalities upon the subject; but I have not before me at the present time any information to justify me in saying that commercial treaties will be concluded.

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 25th February, 1875.

MINUTES.]—NEW WRITS ISSUED—*For St. Ives, v. Charles Tyringham Praed, esquire, void Election; for Norwich, v. John Walter Huddleston, esquire, one of the Justices of Her Majesty's Court of Common Pleas.*

PUBLIC BILLS—*Resolutions in Committee—Ordered—First Reading—Police Magistrates [Salaries]* [75]; Explosive Substances* [76]. First Reading—East India Home Government (Pensions)* [74].*

Second Reading—Friendly Societies [2]; Epping Forest [52]; Building Societies Act (1874) Amendment* [72].*

Committee—Report—Registry of Deeds Office (Ireland) [70].*

TRANSLATION OF IRISH MANUSCRIPTS.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to include in the Estimates to be laid this year before Parliament an appropriation for continuing the translation of important Irish manuscripts commenced and partly carried out, in compliance with the Treasury Minute of 1857?

SIR MICHAEL HICKS - BEACH: I have been in communication during the Recess with several distinguished Irish scholars upon the subject of the hon. Member's Question, with the view

of arriving at a decision as to the best mode in which the work could be carried out. The result was that I addressed a communication to the Royal Irish Academy, informing them that the Irish Government were desirous of resuming the publication of these important manuscripts, commencing with the *Annals of Ulster*, and asking if they would consent to undertake this work. In reply, the Council of the Academy have expressed their readiness to do so, and have undertaken to furnish with all convenient despatch a detailed estimate of the expense which the publication will involve. That estimate will, of course, be laid before the Treasury.

IRELAND—ROYAL IRISH CONSTABULARY.—QUESTIONS.

MR. O'REILLY asked the Chief Secretary for Ireland, What has caused the delay in granting the discharge or pension of certain men of the Royal Irish Constabulary who, having complied with the conditions of the Act 37 and 38 Vic. c. 80, have applied for their discharge?

SIR MICHAEL HICKS - BEACH, in reply, said, the delay had been caused by some doubt as to the proper interpretation of the terms of the Pension Act of last Session. That doubt, he was happy to say, had been solved, and the cases to which the hon. Gentleman referred would be very shortly dealt with.

Afterwards,

MR. STACPOOLE (for Mr. SHEIL) asked the Chief Secretary for Ireland, Whether Her Majesty's Government will extend the advantages gained by the members of the Royal Irish Constabulary who retire under the Act of last Session to those who had retired before its enactment?

SIR MICHAEL HICKS - BEACH, in reply, said, it was not possible to extend to retired members of the Irish Constabulary the provisions of an Act which was passed subsequently to their retirement.

INDIA—OFFICERS OF THE INDIAN ARTILLERY.—QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether it is true that the assurance given by the Secretary of State for War on the 20th

of July 1874, that Majors of the Royal Artillery serving in India should receive the pay of their substantive rank, has not been fulfilled; whether all officers of the British Army ordered to proceed to India, or who whilst in India, getting promoted, are retained in India on duty, are not entitled to the pay of their substantive rank whilst serving in that country; whether those Officers of the late Indian Artillery who volunteered for general service at the time of the amalgamation, and, in consequence, received Commissions in the Royal Artillery, were not assured by the General Order of the Viceroy and Governor General of India in Council, 10th April 1861, that on so doing they should "draw the pay and allowances fixed by Her Majesty's Regulations for that arm of the service, according to the situation and locality in which they were serving;" and, whether the payments made in India to Officers commanding Horse and Field Batteries under the contract system were so paid previous to the Warrant of 5th July 1872, irrespective of whatever may have been their substantive rank, for duties performed and expenditure incurred, which in the British Service have always been provided for otherwise by the State?

LORD GEORGE HAMILTON: Majors of Artillery, while serving in India and in command of their batteries will, on and after the 1st of April, 1875, receive the Indian pay and allowances of their recently advanced rank. Officers of the British Army serving in India are entitled to receive the British pay of their substantive rank. Their claims to Indian allowances are determined by the rules of the Government of India in force in India at the time. Officers of Indian Artillery who volunteered to the Royal Artillery in 1861 were informed that "they should draw the pay and allowances fixed by Her Majesty's Regulations for that arm of the service according to the situation and locality in which they may be serving." The contract system alluded to was in force previous to the 5th of July, 1872. Under this system payments were made to the officers commanding field batteries, irrespective of their substantive rank, to meet certain expenditure incurred. These allowances are upon so liberal a scale that the officer receiving them derives considerable emolument

from them. This contract system is not in force in the British service.

EDUCATION (SCOTLAND) ACT 1872— LOANS FOR SCHOOL BUILDINGS.

QUESTION.

MR. DALRYMPLE asked the Vice President of the Council, If any estimate has yet been made of the money about to be borrowed from the Public Works Loan Commissioners for the erection of Schools in Scotland, under the Education Act 1872; of the annual cost likely to be levied on districts in Scotland for the repayment of the loan and the interest upon it; and of the rate per £1 of taxation which will be rendered necessary for the maintenance of such schools in future?

VISCOUNT SANDON: The Board of Education for Scotland have up to the 20th of February, 1875, sanctioned loans to 295 school boards, amounting to £883,197 19s. Eighteen applications for loans to the amount of £95,552 are under consideration. It is estimated that in all about £2,000,000 will be required for the erection of public schools in Scotland under the Scotch Education Act of 1872. No information has yet been given to us as to the annual charge upon districts for repayment. The Return moved for by the hon. Member for Edinburgh (Mr. M'Laren) in 1874 will shortly be presented, and will show the rates already levied in Scotland; but no estimate has been or can be formed of future rates for maintenance of schools, which will mainly depend upon the expenditure incurred by the school boards.

ARMY—THE RESERVE AND THE MILITIA.—QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether there is any truth in the current report that men included in the First Class Army Reserve enlist also in the Militia, and are therefore returned twice over as part of the defence of the Country; and, whether there is any effective machinery in existence to prevent such fraudulent enlistment?

MR. GATHORNE HARDY: Very few cases have been brought to the notice of the War Department of members of the First Class Army Reserve enrolling for the Militia, and where con-

Colonel Jervis

victions have been obtained the men have been punished by imprisonment and struck off the strength of either Militia or Reserve. The machinery for preventing fraudulent desertion is not adequate, and is under consideration. Prosecutions result on detection of offenders.

ARMY—INFANTRY ACCOUTREMENTS. QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether it has recently been found necessary to supply sets of accoutrements for the Infantry of the Line of a size smaller than has previously been used, and at what period this alteration commenced?

MR. GATHORNE HARDY: The valise equipment was introduced into the Army in 1868. The braces for this equipment were issued in three sizes. In March, 1874, it was reported by the officer commanding the rifle dépôt that the smallest size was too large for men of 5 feet 5 inches. A fourth size was, therefore, added in October, 1874.

CHEAP EDITIONS OF THE STATUTES. QUESTION.

MR. EDWARD STANHOPE asked the Secretary to the Treasury, Whether, having regard to the statement of the Controller of the Stationery Department that a popular edition of the Statutes might be produced annually and sold for about 7s., and to the Recommendation of the Select Committee on Public Departments (Purchases, &c.) 1874, he intends to take any steps towards making a cheap and compact edition of the Statutes accessible to the general public?

MR. W. H. SMITH: There are at present two editions of the statutes published by Messrs. Eyre and Spottiswoode, the one at the price of a 1d. per sheet of four pages imperial octavo, the other at 2d. per sheet of 12 pages royal octavo. The average price of a volume of the latter bound is 12s.; but the unbound sheets could be obtained for from 9s. to 9s. 6d. It is thought that without any editorial matter or references an edition might be published for about 7s. 6d., but it is not considered that such an edition would pay. It is, however, open to any publisher to bring out a cheap edition, as Messrs. Eyre and Spottiswoode have no

exclusive right of publication, but the Government is not disposed itself to undertake the task.

LAND REVENUE ACT—PURCHASE OF LAND.—QUESTION.

COLONEL GILPIN asked Mr. Chancellor of the Exchequer, If he would inform the House by what authority Her Majesty's Commissioners of Woods and Forests had purchased a portion of the Dynevor Estate in Bedfordshire, and from what fund the purchase money has been paid; and, whether Her Majesty's Commissioners are aware of, and have sanctioned, the proceedings of the land agent in treating with the old tenants?

THE CHANCELLOR OF THE EXCHEQUER: The estate of Stagden, in Bedfordshire, was purchased under the authority of the Act 10 Geo. IV. c. 50, s. 108, and of a Treasury Warrant, dated September 12, 1873, out of monies derived from the sale of parts of the possessions and land revenues of the Crown, according to the provisions of the Land Revenue Acts. All claims by the tenants in respect of permanent improvements were, by the terms of the contract, to be satisfied by the vendors, and it is believed that their claims have been satisfied. Before offering the estate for re-letting, the Commissioner of Woods in charge of the property had a valuation made by a competent surveyor, as required by the Land Revenue Acts, and he has no power to let any part of it for less than may appear to be a reasonable rent. Two of the tenants have died, and the farm of one of them has been added to another holding. All the farms upon the estate as so re-arranged, with the exception of two, have been re-let to former tenants upon the terms proposed to them, and negotiations are pending with the occupying tenants with regard to those two farms. The Commissioner of Woods in charge of the estate is aware of, and has sanctioned, the proceedings of his land agent, which have met with his entire approval.

NAVY—RETIREMENT IN THE MARINE CORPS.—QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If he is aware that in the Marine Corps, under the retirement scheme of the late Government,

a practice exists of officers paying their seniors to retire, and that through this practice individual officers gain, but the officers in general are deprived of part of the promotion which that scheme was intended to secure to them; and, whether he has taken or will take steps to prevent this practice?

MR. HUNT: Since the hon. Member's Question has been put on the Paper I have made inquiries, and have been unable to learn of the existence of the practice he refers to.

MR. ANDERSON: I give Notice, Sir, that I shall repeat my Question on the subject in a more pointed form.

TURNPIKE TRUSTS AND TOLLS.

—SCOTLAND.—QUESTION.

MR. JAMES BARCLAY asked the Secretary of State for the Home Department, Whether he intends to introduce this Session any measure dealing with turnpike trusts and the abolition of tolls in Scotland?

MR. ASSHETON CROSS, in reply, said, the subject had been for some time under the consideration of the Government, and that but for the temporary absence of the Lord Advocate from the House, in consequence of circumstances which they all deeply deplored, he (Mr. Assheton Cross) would probably have been in a position now to state the views of the Government on the question. He was happy to say he should have the assistance of his right hon. and learned Friend again very shortly, and then he would state what were the intentions of the Government in the matter.

ARMY—YEOMANRY PAY AND ALLOWANCES.—QUESTION.

VISCOUNT NEWPORT asked the Secretary of State for War, Whether the recommendations of the Inspectors of Yeomanry respecting pay and allowances have been taken into consideration; and if so, whether they will be carried out?

MR. GATHORNE HARDY: Attention has been given to the recommendations of the Inspectors of Yeomanry; but, inasmuch as they would lead to a large excess upon the Vote, if generally applied, it is considered necessary to institute some preliminary inquiries with reference to the proposed standard of efficiency under which alone an increase could be justified.

Mr. Anderson

POST OFFICE—STRANRAER AND LARNE MAIL SERVICE.—QUESTION.

MR. ANDERSON asked the Post master General, If he is in a position to inform the House that in establishing a new paid route for part of the Mails between the south of Scotland, the north of England and Ireland, via Stranraer and Larne, the payment will not exceed the rate of 2s. 6d. per 100 letters, and no letters will be sent to be subject to that payment except such as would be expedited by the change?

LORD JOHN MANNERS, in reply, said, the payment would not exceed the rate of 2s. 6d. per 100 letters, and that none would be sent to be subject to that payment except such as would be expedited by the change.

METROPOLIS VALUATION ACT, 1869. QUESTION.

MR. GOLDSMID asked Mr. Chancellor of the Exchequer, Whether it is necessary that the householders of the Metropolis should be called upon to answer questions so likely to cause difficulty and embarrassment as those which under "The Metropolis Valuation Act, 1869," are now put to them? The hon. Member said, he might add that a number of householders had stated that it was absolutely impossible for them to answer the questions which had been put to them.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the questions which had been sent round were the same as those which had been sent every five years under the provisions of the Metropolis Valuation Act of 1869; there was nothing in them he thought of an objectionable character, and they contained nothing but what was necessary for the purposes of the Act.

IRELAND—RELEASE OF RIBBONMEN. QUESTION.

LORD ROBERT MONTAGU asked the Chief Secretary for Ireland, If he can give the Return of Memorials, &c. relative to the Peace Preservation (Ireland) Acts and Protection of Life and Property Act (of which Notice has been given); whether any Memorial was presented for the release of certain alleged Ribbonmen; whether such Memorial or

Memorials were signed by any Justices of the Peace for the county; and whether those alleged Ribbonmen have been set at liberty, and are now at large in the county Westmeath; what were the grounds upon which such release was sought; and, whether any Memorial was presented praying for the release of alleged Ribbonmen on the ground that, if kept in pay, they would give secret information, and also protect, in their evictions of tenantry, those landlords who paid them?

SIR MICHAEL HICKS-BEACH, in reply, said, the noble Lord had asked for two Returns. One—a Return of the names of the persons arrested in the county of Westmeath under the powers of the Peace Preservation and Protection of Life and Property Acts, showing the time of detention of each prisoner and the names of those in custody—there was no objection to give, except that most of the information that would be comprised in it was already in the possession of the House; but the other for the copy of any memorials, with the signatures, which had been presented for the release of any of the prisoners, he could not consent to furnish, because communications relating to the Act in question had been always looked upon as confidential, and it would be unfair to the persons who made them that they should become public property. Nineteen persons had been arrested as Ribbonmen under the provisions of the Act referred to, but since July last none had been imprisoned. Some of the memorials that had been presented had been signed by Justices of the Peace, but for the reason he had already given he could not state the grounds on which the release of the men was sought. The last part of the noble Lord's Question was a serious imputation upon the landlords of the county which the noble Lord had the honour to represent (Westmeath), and he (Sir Michael Hicks-Beach) was convinced that the Question was only put with the object of obtaining a refutation of certain allegations which had been made. He could say that the report on which the noble Lord had based this portion of his Question was entirely without foundation.

IRELAND—DUBLIN MAIN DRAINAGE ACT, 1871.—QUESTIONS.

SIR ARTHUR GUINNESS asked the Chief Secretary for Ireland, Whether it is the intention of the Government to introduce a Bill this Session to amend the Dublin Main Drainage Act of 1871, for the purpose set forth in Memorial of the Dublin Corporation to the Lord Lieutenant of Ireland, founded on their resolution of 22nd January, viz.:

“That application be made to the Government for a loan not exceeding £500,000, to carry out the main drainage works, upon the following terms and conditions as to interest and repayment, viz.:—The interest payable to be three per cent. per annum upon the net principal sum remaining due each year; the loan to be repaid (in seventy-three and a-half years) by the annual instalments of £6,000 referred to by His Grace the Lord Lieutenant, which shall be granted year by year to the Corporation by Her Majesty's Treasury, as well as by a proportion of the sum to be allocated by the Government in lieu of the municipal rates upon public buildings in the borough of Dublin, and estimated at £1,000 per annum; the Government accordingly to introduce and effect the necessary amendment of the Dublin Main Drainage Act by a Public Bill in the next Session of Parliament, without cost to the corporation?”

SIR MICHAEL HICKS-BEACH, in reply, said, the Dublin Corporation appeared to be labouring under a remarkable misapprehension of the intentions of the Government and of the reply given by the Lord Lieutenant to a deputation of the citizens of Dublin who waited on him in reference to the drainage scheme. The scheme suggested for the repayment of a Government loan of £500,000 was one which emanated entirely from the Dublin Corporation themselves. The Government had no intention of introducing a Bill to carry it into effect. They had still under consideration certain proposals of the Corporation on the general question; but the only definite undertaking which he had yet been authorized to give was that which he stated to the House last Session—namely, that the Government were prepared to extend the borrowing powers of the Corporation for main drainage purposes from the present limit of £350,000 to £500,000.

MR. HANKEY wished to ask Mr. Chancellor of the Exchequer, with reference to the Question of the hon. Baronet, Whether there is any practical difference between an advance of Public

Money, the capital and interest of which is to be repaid out of Imperial Revenue, and an absolute Grant of Money for like purposes?

THE CHANCELLOR OF THE EXCHEQUER: I can see none myself; but my right hon. Friend the Chief Secretary for Ireland is very ingenious, and if he proposes a measure on the subject I dare say he may be able to point out some such difference.

MERCHANT SHIPPING ACT—CASUALTIES AT SEA—A ROYAL COMMISSION.—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, If his attention has been called to the large number of coal-laden vessels which have recently been burnt at sea, and also if his attention has been called to the frequent cases of dismasting of large iron sailing ships; if so, if he will state to the House what course he intends to adopt for the purpose of ascertaining the cause, with the view of diminishing the frequency of such casualties?

SIR CHARLES ADDERLEY: The Government have lately resolved to advise the issue of a Royal Commission to inquire into the causes and remedies of the spontaneous combustion of coal ships, which has so much increased. There have been several cases of new large iron sailing ships being dismasted, and the subject is engaging the careful attention of shipowners, naval architects, and the register societies, the parties most interested and acquainted with the subject. I hope they will be able to devise some plan by which the evil may be remedied.

MERCHANT SHIPS (MEASUREMENT OF TONNAGE) BILL—LEGISLATION. QUESTION.

MR. PALMER asked the President of the Board of Trade, Whether any legislation is proposed by Her Majesty's Government, this Session, with reference to the Bill on Merchant Ships (Measurement of Tonnage), in accordance with the Report from the Select Committee of last year?

SIR CHARLES ADDERLEY, in reply, said, no measure of the kind mentioned in the Question of the hon. Member was at present contemplated by Her Majesty's Government.

Mr. Hankey

MERCHANT SHIPPING ACT AMENDMENT BILL.—QUESTION.

MR. BENTINCK asked, What the Government were going to do with regard to the Merchant Shipping Bill which stood last on the Paper?

SIR CHARLES ADDERLEY, in reply, said, he would on that day week ask the House to read the Bill the second time. If in the interim any further postponement was deemed necessary, he would give the House timely Notice.

FRIENDLY SOCIETIES BILL—[BILL 2.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

DR. CAMERON, in rising to move that the Bill be read a second time upon this day six months, said: I rise to move the rejection of the Bill, because I believe that if passed it will but add another to that long list of ill-advised and fruitless enactments respecting Friendly Societies which have conspired to leave these societies in that very unsatisfactory condition in which the recent Royal Commission found them. I have carefully studied the voluminous Reports of that Commission, and come to the discussion of this question with the highest respect for the patience and industry displayed by its Members, and especially by those two of its Members who now sit on the Government bench. But I maintain, in the first place, that in the Bill now before the House the fundamental and primary recommendation of the Commissioners has been omitted, and I appeal in support of my position if not from Philip drunk to Philip sober, at least from the right hon. Gentleman the Chancellor of the Exchequer to the right hon. Gentleman the Chairman of the Friendly Societies Commission. If hon. Members will refer to the broad outline of the system recommended by the Commissioners, contained in Paragraph 880 and the succeeding paragraphs of their Report, they will find that the very first feature of their scheme is that—

"local registers should be established in which the names, places of business, and certain other particulars of societies carrying on their operations within the locality, shall be recorded in a form prescribed by the Government."

If they turn to the unanimous recommendation of the Commissioners in Page 213 of their Report, they will find the first three paragraphs devoted to recommending that in order to provide for the enforcement of the requirements of the law in the case of registered societies—

"a system of local registration under the control of a central office be adopted, the country being divided into a certain number of registration districts, with a deputy-registrar in each."

This is, in fact, the foundation upon which the entire succeeding recommendations of the Commissioners are based. And why? I refer you to Paragraphs 871-2 of the Report for the answer. Because the present system of registration must be considered an utter failure so far as its efficient enforcement is concerned.

"And who," the Commissioners ask, "that reflects for a moment on what is expected from the present central machinery could be surprised at such a failure? How is one man in London to keep nearly 22,000 bodies of men in all parts of England, in the most remote villages, in the most crowded cities, bodies composed to an enormous extent of the ignorant and prejudiced, to a large extent of the obstinate and self-willed, to some extent, it is to be feared, of the self-seeking and dishonest, up to any conceivable standard, however low it may be fixed? Surely," they exclaim, "in the presence of the enormous development of the Friendly Societies movement, a purely central machinery must break down."

And yet, Sir, it is to this purely central machinery that the right hon. Gentleman has reverted. His original Bill was based upon this recommendation of the Commission, and being based upon it, machinery was provided which the Commissioners assumed as indispensable to carry out their recommendations. The right hon. Gentleman in introducing the Bill last Session himself told us it was "obvious" that they must abandon the system to which he now proposed to go back; and he twice placed the institution of a system of local registration foremost among the principles of the Bill. The right hon. Gentleman said, to use his own words in *Hansard*—

"The main principles of the Bill were to strengthen and improve the machinery of registration; to publish correct tables for the use of those societies; and to encourage and, as far as possible, enforce a system of periodical valuation."—[3 *Hansard*, ccxix. 1215.]

And here, Sir, I would ask the House to observe that of these three main principles of last year's Bill only one remains in this. And why is this fundamental recommendation of the Commission, this primary principle of last year's Bill, to be given up? Because it would involve some expense, and because it is alleged that it might lead to a want of uniformity in registerial decisions. As to the expense, an official witness—Mr. Malcolm—tells us, in a letter addressed to the Chairman of the Commission, that the country at present loses some £47,000 a-year in the shape of loss of interest incurred in fostering Friendly Societies under the present system. Now, if 40 or 50 local Assistant Registrars were appointed, as proposed by the right hon. Gentleman last year, and if each of them were paid as large a salary as that at present paid to the Assistant Registrars in Scotland and Ireland, the total cost to the country would not amount to more than a fraction of what is now spent uselessly, or worse than uselessly, in subsidizing these societies. As to the alleged want of uniformity of decisions under the present system, with the independent Registrars in Scotland and Ireland, we have experienced the evils of this want of uniformity, and we have examples of societies being registered in one part of the United Kingdom and refused registration in another. But how does the right hon. Gentleman propose to get over this difficulty? Not by abolishing the Registrars' offices in Scotland and Ireland, but by making them subordinate to the office in London—by granting an appeal to the Chief Registrar against the decision of the Assistant Registrars in Edinburgh and Dublin. What was there to hinder the adoption of the same method of securing uniformity of decisions had the number of subordinate registration centres, instead of three, been 40 or 50, as the right hon. Gentleman recommended a year ago? In point of fact, in that Bill the local registrars and the clerks of the peace who were to discharge their duties were effectually controlled from the central office. Nay, the very object of the central control which the Commissioners insisted on was to ensure this uniformity of action. For as the Report points out (Par. 871), three systems of registration for Friendly Society purposes have been tried by this country; two have already

been discarded as failures, and they were about to discard the third as a failure also.

"The only system," they tell us (Par. 872), "which the history of the movement shows us not to have been tried is precisely the one to which the facts of the present time point as a remedy—a local machinery under central control; and we take note of this circumstance," they add, "with a view to the recommendation which we are about to submit."

Now, it is important that hon. Members should distinctly understand that the duties assigned to the Assistant Registrars and clerks of the peace under the Bill of last year were not merely to register documents, but to exercise such functions conferred by the measure upon the Chief Registrar as that official might choose to delegate, and generally, as the Bill expressed it—

"to act and assist in carrying out this present Act, as by regulations to be made under the same shall be from time to time determined." "Surely," again, to quote the words of the Commission, "in the presence of the enormous development of the Friendly Society movement, a purely central machinery must break down."

"Obviously," to use the expression of the right hon. Baronet himself, "we must abandon the old system of a central authority." And yet, in the face of such emphatic testimony as to the uselessness of this purely central organization, the right hon. Baronet now proposes to dispense with that machinery which was demanded as the first condition of successful legislation. Can it be that there is any chance that the present registration system could undertake any portion of the additional work which it is proposed to impose upon it? In the light of the Report of the Commissioners, in the light of last Session's explanation by the right hon. Baronet, I say, emphatically, no. Look at the extent to which it has failed in carrying out the objects for which it now exists, and which are very much less elaborate and extensive than those proposed to be committed to its care. Why, Sir, once more to quote the authority of the Commissioners, it has broken down to the extent of having failed to bring two-thirds of the existing Friendly Societies up to the point of affording to the public the two most elementary and indisputable data as to their condition. It has broken down even in its dealings with registered Friendly Societies to the extent of having failed to bring half of

these up to this simplest standard of legal requirement. I am aware that under the measure now before the House, the Registrar will be entrusted with a certain increase of power; but the Commissioners not only contemplated this, but they and the right hon. Gentleman contemplated also, as the basis of any satisfactory legislation on the subject, the establishment of a system of local registration under his control. For they knew that though they might confer upon him additional statutory powers, unless they could also confer upon him the eyes of Argus and the hands of Briareus, he would be unable, whatever his statutory powers, by himself to carry out the programme which they desired to enforce. As I have shown you, the Government have not only abandoned the first principle of their Bill of last Session, but they have, while retaining the intention to carry it out, eliminated from it the second principle—namely, the publication of correct tables. I shall now proceed to show the House to what extent the adoption of this measure will assist in carrying out the third principle laid down by the right hon. Baronet—namely, "the encouragement, and, as far as possible, enforcement, of a system of periodical valuation." So far as this enforcement applies to registered societies, I should not join issue with the right hon. Gentleman. But it must be remembered that a large number of Friendly Societies, stated by the Commission at a third of the whole, are not registered. These unregistered societies are at present outside the pale of the law—they cannot sue or be sued. The English law affords them practically no protection against fraud and embezzlement on the part of their officials, and their members are powerless to enforce the performance of contracts of which they may have carried out their parts with a life-long pinching and scraping—contracts which it is assuredly not the interest of the State to discourage. Now, Sir, I maintain that the effect of this Bill, if it becomes law, will be to increase the number of unregistered societies at the expense of registered societies; that its effect, so far from raising the standard of Friendly Societies at large, will be to repress that tendency to improvement which is said to exist, and to drive out a number of institutions which

at present enjoy the advantages of protection against fraud into the ranks of those Pariah societies which the law only recognizes that it may declare them free to plunder and be plundered with impunity. This is a bold proposition, and before asking the House to hear my argument in support of it, I shall show you that it is not a conclusion peculiar to myself, but one which forced itself upon that half of the Royal Commission which signed the first supplemental Report, and which included the right hon. Baronet the Secretary of State for Ireland. If hon. Members will turn to P. 219 of the Report, they will find these Gentlemen speaking thus—

“We fear that instead of increasing the number of societies simply obtaining by registration a legal status, the additional conditions which the Report recommends in respect of such societies, such, for instance, as compulsory periodical valuation, will rather deter them from registration than attract them to it. This would indeed be a most undesirable result.”

I think no one who knows anything of the subject will dispute the undesirability of this result, and I not only share the fear which this section, numbering exactly one half of the Commissioners, expressed; but I have no doubt in my own mind that if the present Bill becomes law, that fear will be realized. In order that my argument may be understood, I would especially ask hon. Members to remark the expression of these Commissioners that “societies simply obtaining by the registration a legal status” will, by the enforcement of periodical valuation, be deterred from registering; and I do so, because the number of societies which register simply for the purpose of obtaining this legal status, constitutes the largest section of registered Friendly Societies. This assertion I make, not of course, on my own authority, but on the authority of one of the Assistant Commissioners, Sir George Young, the value and accuracy of whose Report I am sure the Chancellor of the Exchequer will be the first to acknowledge. Well, on Page 31 of Sir George Young's Report, we find this statement—

“Of the advantages possessed by a registered club over an unregistered, that most frequently referred to, and apparently most valued, is the security obtained for its funds. This security depends, first, upon the power of prosecuting, recovering from, and punishing a fraudulent

secretary or trustee (18 & 19 Vict. c. 63, s. 24); and, secondly, upon the means provided under the statute for the settlement of disputes arising between any of the members or officers of the society (18 & 19 Vict. ss. 40, 41, and 42). The testimony afforded me is overwhelming, that no societies of a purely popular and unpatronized character, would take the trouble of registering, or submitting their rules to the Registrar's revision, if they did not obtain this security by registration; and that hardly any one would care to register merely to obtain the minor advantages conferred by the Act upon registered societies, if they knew of a simple way to obtain this particular advantage without submitting to the Registrar's control.”

Here Sir George Young goes on to point out that another means does exist, but that it is very little known. I shall, before I sit down, allude to that means; but meanwhile I only ask you to remark that there is overwhelming evidence that the great majority of popular and unpatronized societies only register to obtain that legal status which shall give them security for their funds; and, secondly, that the proposal of compulsory periodical valuation will, in the apprehension of one-half of the Commissioners, deter societies which now register for that purpose from registering at all. Assuredly it will, and that in a large number of cases, and for the very simple reason, that while in the case of such societies the inducement to register remains the same as at present, the restrictions and interferences implied in registration will be very much greater. Take, for instance, compulsory valuations. Independently of the serious expense which this implies, and which can only be met by Government fixing a very low standard of fee for the services of the official actuaries, it must be remembered that what are called Friendly Societies are distinctly divisible into two classes—mutual benefit societies, which alone are really co-operative, and which generally provide for benefits in sickness as well as on death, and collecting burial societies, which are generally proprietary and trading companies. In many of the latter, the management of the society, as is clearly shown by the Commissioners, is really in the hands of one man or a set of men, who look upon the society as they would on a business of their own, and who consider, to use the words of one witness, and that witness a solicitor, quoted in Paragraph 524 of the Commissioners' Report—

"That as long as they have funds in hand sufficient to meet the claims that may fall in on the death of the members, the rest of the funds of the society practically belongs to them, and whether they take it in the shape of salaries or in any other way, they consider practically, and I myself," he added, "consider, that they do their duty to the public."

Now purely mutual societies, in the solvency of which all the members are alike interested, need fear no disclosure of the real condition of their society, except in so far as any disclosure of insolvency is calculated to increase their embarrassment by frightening young insurers from joining. But it is self-evident that the proprietors, so to speak, of proprietary societies will view with very different feelings any disclosures adversely affecting their credit and reacting on those profits which they regard as legitimately their own, and which are to be divided amongst them in the shape of salaries or otherwise. The societies, therefore, which most require looking after on the ground of doubtful solvency, will avoid unpleasant disclosures by the simple expedient of non-registration. Again, the Bill contains a provision that no policy issued by a collecting society, which is generally, as I have said, virtually a proprietary company, shall lapse through non-payment of contributions until after the defaulting member shall have been served with a written notice that if he does not pay he will forfeit his contingent benefit. This provision is aimed against the practising of fraudulent lapsing, or putting members out of benefit by intentionally neglecting to collect their contributions; and though, in consequence of the inadequate machinery adopted in this Bill, it will effect little good, it is probably one of the most valuable and legitimate provisions of the measure. But it will also largely diminish the number of legitimate lapses occurring in connection with burial societies—the number of persons who owe their lapse of benefit to their own carelessness and unpunctuality. Now lapses, legitimate or illegitimate, constitute the chief source of income of many burial societies. One witness quoted by the Commissioners estimated that seven in every eight insurers who joined his society allowed their policies to lapse without becoming entitled to benefit. Lapsing, he said, is a source of profit to collectors, and more so to the society. He considered that a burial society could

carry on for an indefinite term with three months' income, the business changing so rapidly—thanks to these lapses—that the amount in hand required to meet liabilities was very small. "A general burial society," add the Commission (Paragraph 505), "thus lives by its lapses; in other words, by confiscation of the premiums of its members." Now, the provision against lapsing will either kill the societies that live thus, or compel them to forego registration. I am aware that the provisions with regard to lapsing to which I refer are extended under this Bill to unregistered as well as registered collecting societies. But how are they to be enforced? Are we to expect that the machinery which has so utterly broken down when called on to supervise the actions of 22,000 bodies of men will be found capable of controlling those of a still larger number? Had the fundamental recommendation on which this Bill was originally based as its leading feature been maintained, had the right hon. Gentleman adhered to his original system of local registration, it might have been possible to enforce the provisions of the Bill with respect to unregistered as well as to registered societies. As it is, that portion of it which relates to unregistered societies will, like so many other well-meant provisions of the 19 Acts of Parliament which have up to this been passed on the subject, be simply a dead letter, and the sole effect of these provisions will be to drive a number of the very societies which most need supervision into the rogues' paradise of non-registration, where they will be able not only to "lapse," but to cheat and swindle their clients without legal let or hindrance. In this portion of my argument I have assumed that those societies which have registered under the present system shall, when the Bill comes before a Committee of the House, be allowed to choose whether they will continue to be registered or not. The correctness of this assumption does not affect the soundness of my argument. It merely lessens the extent of its immediate applicability. But if it does that, it does so at the expense of a very grave injustice; for if the Bill, as it now stands, becomes law, the effect will be that societies which have, for the purpose of obtaining legal protection against fraud, submitted them-

Dr. Cameron

selves to the easy and unenforced conditions which registration now implies, will find themselves obliged either to carry on their business under an entirely new set of conditions, or to escape from registration by dissolution. If they dissolve, they must do so at an imminent risk of finding it impossible to reconstruct their societies, while if they hesitate to have recourse to such an extreme step, what will be the result? They must submit to periodical valuations the minimum expense of which will depend entirely upon the fees which the Treasury may name for the services of the official auditors, a point concerning which the Chancellor of the Exchequer has as yet given us no information whatever. As in many societies collectors vote at meetings and take part in the management, it will be necessary to change the constitution of the society in this respect, and here also in the direction of increased expense. The diminution of legitimate lapses, from which, as I have already pointed out, a large number of societies derive a material portion of their income, will, in many cases, necessitate re-adjustment of contributions and benefits, and here again in the direction of increased payments for the same benefits. Having bargained only for a set of nominal conditions, almost every one of which they knew could be disregarded with impunity, they will find themselves brought under the operation of an Act which, according to a statement made by its draftsman a few nights since at a meeting of the Social Science Association, lays down no fewer than 355 penal offences. Finally, they must be prepared to find themselves bound by a law in which, in no fewer than 12 places I believe, such phrases as the following occur:—"As the Chief Registrar shall from time to time see fit," "as he may direct," "as he may prescribe," and so forth. I am sure it was never intended by the Commissioners or by the right hon. Gentleman, that under guise of a system of voluntary registration, a section, and that a very large and respectable one, of Friendly Societies should be placed between the Scylla of submitting to a series of rules they never dreamt of, and which are in a number of instances left to the discretion of the Registrar, and the Charybdis of dissolution. But if it be the intention of the right hon. Gentleman that such should

be the case, I think the fact would furnish another good reason for rejecting the Bill now under consideration. Arguing, as I do, that by casting aside the primary recommendation of the Commissioners, the idea on which the Bill of last Session was based, the chief provisions against fraud contained in this measure will prove as futile as the many which have turned out useless, or worse than useless in the previous 19 Friendly Society Acts. I need not detain the House by referring to various clamant evils to which the Commissioners direct attention, which the Bill—assuming it to be capable of being successfully worked—would fail to grapple with. I will, therefore, only allude to two points of detail which indicate the spirit of indifference to those of the recommendations of the Commission conceived in the interest of the public, which seems to me to characterize the present Bill. One of the most important of the recommendations of the Commissioners is the 43rd—

"That the existing system of Government insurance through the Post Office for death and Deferred Annuities be extended, so as to cover the whole ground now occupied by what is termed industrial assurance."

This recommendation is altogether ignored by the Government. Another of their most important recommendations is the 37th—

"That, in addition to his power of dissolving the society, the Chief Registrar should have authority, on the application of a certain number or prescribed proportion of members, to make an award binding on a society for the adjustment of contributions and benefits."

The Bill of last Session, both in its original and amended form, contained a provision for carrying out this recommendation. That provision has been struck out of the Bill now before the House. Thus, in the Bill we find two of the three main principles of the Government measure of last year struck out, and an important subsidiary one—conceived in the interests of the public—ignored. As I have shown, through the absence of the fundamental desideratum of a system of local Registrars, it becomes extremely doubtful whether the enforcement of the third principle of last year's Bill, that—namely, of compulsory valuation, will not do more harm than good. If, therefore, I were asked to define the principle of the present Bill, as compared with that of the

measure of last year, I should characterize it as the principle of emasculation, emasculation of every real safeguard introduced in the public interest. Compared with the Bill of last year, the present measure is but as shadow compared with substance. And now I come to a part of my argument against this Bill which carries great weight with myself, but which I approach with diffidence; because on this point I have not the authority of the Commissioners, or of half of their number, to support me as heretofore, but have to rely on the strength of my case, and the principle laid down by two of the eight Commissioners in an additional supplemental Report. That principle is, that means should be taken for extending the remedies now open to the members of unregistered societies in case of fraud and other malpractices, so that there should not be a temptation held out to fraudulent and designing managers to keep out of registration so as to escape any of the remedial provisions of the law. Sir, I conceive this principle, though endorsed but by two out of the eight Commissioners, to be one of vital importance, and I think very few Members would venture to controvert the forcible language in which one of these Gentlemen (Mr. Roundell) expressed his adhesion to it. He did so, he tells us—

“on the ground that unregistered societies when not actually illegal, ought not to be regarded as outside the pale of the law, and that power for the punishment of fraud is not so much a privilege of a society as a check to knaves.”

Well, as the law at present stands, the members of a society can say—“We know our own business, and don't care to be trammelled by red tape, but we desire that security against frauds, and the benefit of those provisions for the settlement of disputes, which Sir George Young tells on overwhelming testimony is the reason why the vast majority of popular and unpatronized societies submit to registration.” They can say—“We desire security, but wish to conduct our own business according to our own fashion,” and they can without further question than whether their society is established for a lawful purpose, by simply depositing their rules at once obtain that security for their funds and that legal assistance in the settlement of disputes which they desire. The law

on this point is by no means perfect—rules once deposited may be altered, and the object of the society thus changed to any extent, without the Registrar or the public knowing anything of the change; but this is a matter of detail and obviously the result of an oversight. What, therefore, I wish to point out is that in the Proviso regarding societies with deposited rules, the law at present recognizes this most important principle, that the members of every Friendly Society established for a legal purpose, whether its members choose to hold an annual feast, or to spend a certain portion of their money in drink or not, whether it chooses to restrict its investments according to Government ideas or not, whether it chooses to have collectors on its committee of management or not—that every such society is entitled to the benefit of these provisions against roguery and fraud which most people consider to be the right of every subject of a civilized country. Now, the present Bill proposes to put an end to this acknowledgment of a most salutary principle, a principle which, as Sir George Young points out in the Report to which I have before referred, has only failed to be largely taken avail of because the law on the subject was not generally known. It proposes, I say, to do away with this invaluable principle in the existing law, and to substitute for it another to this effect—that the members of every Friendly Society must either conduct their business according to the rules devised by the right hon. Gentleman opposite (Sir Stafford Northcote), that they must invest its funds in the manner which has been laid down, that they must draw up its rules according to his Schedule, that they must submit its accounts to the Registrar, and that they must undergo a valuation of its assets and liabilities once every four years, or that the society shall be considered as outside the pale of the law—that they shall be outlawed as if they were persons of the vilest type, and exposed to have themselves cheated and their funds embezzled without legal remedy. Now, Sir, I look upon the negation of this great principle in the existing law as a drawback which more than counterbalances all the enforceable provisions of the present Bill. Had there been engrafted on the Bill of last Session a

Dr. Cameron

provision for the compulsory deposit with the Registrar of such particulars as were necessary for the identification of a society and its objects—its rules, its office address, and the names of its office-bearers; had every society been compelled, as with the machinery of last year's Bill it easily might have been, to publicly record these particulars; and had the provision of the law protecting from fraud and facilitating settlement of disputes been extended to all societies, registered and unregistered, the Bill of last year would, in my opinion, have been a most satisfactory measure. To attempt to amend the present Bill in that direction would be futile. It lacks, as I have shown, the machinery which would be necessary to carry out the provisions which it contains. It is really, so far as the Bill of last Session is concerned, but the shadow of a name. Of the three main principles of that Bill, two—local registration and official tables—have been eliminated from this, and without the first of them, as I think I have shown, the third—that of periodical valuation—will do more harm than good. I have shown that the Bill before us has been curtailed of the most important provisions of that of last Session, and that, maimed and mutilated as it is, it must utterly fail to carry out the recommendations of the Commission. I have pointed out that, contrasted with the three main principles of the Bill of last year, the present Bill seems to have but one main principle, and that is emasculation. I have pointed out the all but certainty that under the new Bill a number of societies now registered, or with deposited rules, will be found to place themselves outside the pale of the law; and I have shown that in proposing to do away with the advantages at present obtainable by the deposit of rules, the right hon. Gentleman proposes to do away with a most salutary feature of our law, and to substitute for it a retrograde and obnoxious one. Having done so, Sir, I think I am fully justified in moving, as I now do, as an Amendment to the Motion of the Chancellor of the Exchequer, that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Dr. Cameron.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. A. H. BROWN remarked that it was necessary to deal gently with these societies, and while seeking to strengthen their good habits to endeavour to put down those abuses which some amongst them had unfortunately upheld. When he looked over the Bill it appeared to him quite plain that it was simply a direction to a central body to be located in London, and could only be regarded as a sort of sign-post to the road which Friendly Societies ought to go; and its success would entirely depend upon its constitution, power, and ability of that body. He deprecated any powers given to the central body which would have the effect of taking these societies off the register. On the whole, however, the Bill seemed to be carefully guarded in this respect, and in the case of the great affiliated Orders this power of the central body was subject to the consent of the central body of the Order. Further, it recognized the fact that there was nothing which the working classes so disliked as unnecessary interference. One provision in the Bill required further consideration, and that was the proportion of members at whose instigation the central body was to be put in motion. In this respect the Bill was hardly sufficiently elastic. Societies differed greatly in the number of their members; some were local, some general. While some numbered over 300,000, some were only 50 in number, and the same proportion of members at whose instigation the central body was to be put in motion did not suit all. While recognizing the right of minorities, it would not be well to encourage factious minorities; and he would suggest that, in the case of societies which were not local, one set of numbers should be prescribed, and another set in the case of societies which were local, to justify the interference of the central body. The Bill contained various improvements in the law. Among these was a provision limiting the amount of insurance upon the life of infants. It seemed to him that the amount mentioned in the Bill—£3—was a very fair one. It was said that £3 was not enough to pay the doctor and undertaker, but in these sad cases a doctor was not in attendance, and the funeral was of the cheapest

kind. He did not believe that any attack was thereby intended upon working men; the provision being directed against the serious evil known as baby farming. He also differed from his hon. Friend (Dr. Cameron) with regard to local registration, for he thought that the absence of the local register in the Bill was an improvement upon the measure of last year. His hon. Friend had objected to the Bill on the ground of the absence of actuarial tables; but the words of the 10th clause gave quite sufficient powers to the central body to make provision for that and other purposes. Reviewing the whole provisions of the Bill, he must say he saw nothing in it which could induce him not to give it his hearty support. He cordially supported the measure, because he believed it was an honest attempt on the part of the Government to do what they could to strengthen and improve good societies in the interest of the working classes, leaving them, as far as possible, to manage their affairs in their own way. He most strongly deprecated anything being done which would impede the passing of a Bill introduced with such an excellent object.

LORD ESLINGTON said, he hoped, as he took a deep interest in this subject, that he might be allowed to make a few observations on this occasion. He could not imagine for a moment that the House was prepared to reject the Bill, and unless some stronger reasons than those given by the hon. Member opposite (Dr. Cameron) were adduced against the principles of the Bill, he had every confidence that the House would support its second reading. He regarded the provision in the Bill requiring periodical valuation as absolutely indispensable to soundness. The hon. Member who moved the rejection of the Bill said that that provision would cause a great number of the present registered societies to become non-registered societies, over which there would be no control. Now, that argument proved too much, because if pressed to its legitimate conclusion, it would follow that any restriction imposed on the societies, or any provision that might be framed to secure for contributors that knowledge and publicity which were essential to the soundness of those institutions, would deter societies from registering or force them to become un-

registered. That argument applied against the whole Bill, and would apply to any Bill which might be framed, and he hoped the House would not be led away by any such false issue. The great object of this Bill, and of the complicated machinery which it provided, seemed to be to encourage the powerful institutions, and indirectly to discourage the less powerful. The experience they had had, as well as the evidence taken on the subject, all proved that the great bodies ought to be encouraged, and that the larger they were the greater was their power of doing good. But there was one defect in their rules which he wished to point out, and he was sure that any suggestion made in temperate language would receive from those societies a respectful consideration. The rates of contribution had not been so accommodated to agricultural wages as to induce the agricultural class to join the great bodies, and to derive the advantages which the economy of their management insured. He believed that in that great institution, the Manchester Unity, only 7 or 7½ per cent were agricultural members. It was a great misfortune that the proportion should be so small. It was the wealthier class of artisans which constituted the ranks of the great affiliated Orders to which he was referring, and the poorer labourers were kept out. But his chief object in rising was to express his strong objection to the limitation contained in the Bill as to the insurance of infant life. That would be looked upon as an insult by the working classes, and though he had looked carefully more than once into that part of the Commissioners' Report which attempted to justify the limitation, it appeared to him singularly inconclusive. In the first place, the evidence upon the subject was extremely limited, having been confined in the main to the manufacturing districts of Lancashire and the great town of Liverpool. Besides, more than half of those examined stated that the power of insuring infant life had no tendency whatever to produce a high rate of infant mortality. It should be remembered that the Commissioners based their conclusion upon the rate of mortality among infants up to four years of age in the manufacturing districts. To base any conclusion upon such facts was, he thought, a great mistake. Before he admitted

Mr. A. H. Brown

that this mortality was due to the power of insuring he would like to know what was the normal ratio of mortality at that age as compared with other ages. He thought the mortality in certain manufacturing districts was stated to be 30 per cent below two years of age and 50 per cent up to the age of four. He wanted to know whether there were not circumstances connected with the habits of the people in the manufacturing districts which would largely account for the mortality of infants at those ages? Might it not be that the temptations of the mill induced the mother to return to her work far too soon for her own health and for that of her infant, the latter being left to the care of a young sister or other unskilful nurse, and not receiving proper nourishment? In that way a considerable amount of infant mortality might arise. Those considerations induced him to form the opinion which he entertained against the limitation of insurance, in addition to which the sum allowed was insufficient for the purpose. He understood the hon. Gentleman opposite to prefer the Bill of last year to the present one; but the impression out-of-doors appeared to have been that the Bill of last year went too far, whereas the persons who were supposed to largely represent the working classes regarded the present Bill as a really good one, so far as its principle and its main provisions went, although they might take exception to some of its details. The Bill would materially tend to give publicity to the accounts and to the obligations of those great institutions, and that object would be attained by means of an efficient audit, periodical valuation, and quinquennial Returns, the want of which at this moment was one of their great defects. The measure, he hoped, would also have the effect of encouraging the amalgamation of the smaller with the larger societies, and of thereby strengthening those institutions. What they must try to do was to secure the maximum of publicity with the minimum of interference, with a view to the soundness and safety of those societies, which he looked upon as the great practical schools of the country for the adult population, inasmuch as they fostered that feeling of self-reliance and self-government which could not be sufficiently encouraged. He cor-

dially supported the second reading of the Bill.

MR. LOWE said, that considering the very long time that this matter had been under consideration, and the persons for whose information this Bill was intended, the House had every right to expect that the Bill would be a model, at any rate, for clearness and perspicuity, whether Members were able to agree with its provisions or not. On that point, however, he was extremely disappointed, and he would call the attention of the hon. and learned Member for Marylebone (Mr. Forsyth) to the Bill, which appeared to him (Mr. Lowe) to embody almost every vice in the drawing of Bills which it was possible to conceive. This was extremely to be regretted, because it was a measure intended for the poorer classes, who were very often ignorant people to whom it was desirable that the matter should be made as clear as possible. Instead of that the art of Parliamentary mystification had in this measure been carried as far, probably, as it was possible to go. He would give his reasons for thinking so. First, it was a Consolidating Bill. By that he understood a Bill which repealed former statutes, and bound them all together in a single Act, so that those who wished to know what was the state of the law on a particular subject might have that single Act to refer to. The present Bill proceeded partially in that course; it began with repealing the Act 18 & 19 *Vict.*, a Consolidating Act for Friendly Societies; but having repealed that Act, as if for fear of making matters too simple, it reserved three sections which were still to remain in force, and to which we must go back in order to find out what was the state of the law as embodied in these three sections bearing on the important subject of interest to be given by certain large insurance offices. But that was not all. Of course, there was nothing more important in this Bill than the office of Registrar, and the state of the law as bearing on this point was to be fished out by referring to four different clauses. Then, when you had read these four clauses, you would not yet have read the most important of what applied to the Registrar, because after that you must go back to the very Act which was repealed, and which stated what the office of the Registrar was, as the Bill said you were to have the same powers now vested in the

Registrar of Friendly Societies as were given in the repealed Act. If you wanted to know what those powers were you must go back to the Act 18 & 19 *Vict.*, already mentioned. Probably the most important provision of the Bill was to be found in the very Act which, with the exception of the three clauses that had just been alluded to, had by this measure been entirely repealed. But there was a further objection to the drawing of the Bill, because it only incorporated such powers as were given by the Act of 18 & 19 *Vict.*, and as the present Bill dealt with a great many matters — rules and so forth — which were not in contemplation when the Act of 18 & 19 *Vict.* was passed, he did not believe, so far as he could judge, that it did give the Registrar the same power over the rules which this Bill laid down, as he had over the former rules. Thus, by the slovenly way in which the Bill was drawn, probably very serious legal difficulties would be created. Then there was another objection as to the manner in which the Bill had been prepared. Instead of its being divided into sections each of which should contain a fresh subject, it was divided into a few sections first, and then these were sub-divided into subordinate sections denoted by numbers, and these again were re-subdivided under letters. So that a reference on valuation would be, for instance, section 14, No. 1, letter F. And this was the way the Bill was drawn for the use of poor people who did not understand such technicalities very easily. A serious fault in the drawing of the Bill was that it contained very little of the real law on the subject. While consolidating, it left the door open for almost indefinite additions, because it enabled the Treasury to make rules for carrying the measure into effect. That was a most salutary arrangement in an Act in which you had established a principle, and had nothing to do but provide the means of giving effect to that principle; but a measure of this kind was more a matter of detail, and the effect in this case was equivalent to giving the Treasury power to adopt almost any provision on the subject, so long as it did not contradict anything in this Act. The consequence would be, if that power were exercised, that the working classes, whose affairs were in-

fluenced by this Bill, would have to refer in addition to Acts that were repealed, to a number of rules prepared by the Treasury that would have the force of an Act of Parliament. That would tend very much to confuse and perplex the subject. So much for the drawing of the Bill; and he must express his extreme regret that it had not received more attention, and especially that it seemed to be drawn rather for lawyers and Members of Parliament than for persons to whom information as to the state of the law on the subject ought to be made as easily accessible as possible. But there were other objections to the Bill. He had endeavoured to find out, from perusing the provisions of the measure, what was the real view of its framer with respect to the persons for whom the House was legislating, and whether he was legislating for men or for children. Having tried the best that he could, he had totally failed to satisfy his mind on that question. The arguments were exceedingly strong both ways. Nothing would be easier than to sustain the thesis that this Bill was intended to be a paternal Bill, treating the working classes as children who were not able to take care of themselves, or that it was founded in some degree on the principle of *laissez faire*. The most important thing was as to the Registrar; and in that respect the Bill presented a strange anomaly. Here was a person who was an administrative officer; he had duties to perform, for instance, in registering companies; but here he had other duties thrown upon him, which were of a judicial character, and was invested with great power of superintendence and interference. Now, if there was any principle firmly established, it was that if you made a man a judicial officer, you ought to keep him clear of administration. The same man might not be found to administer well and to judge well; and in that respect the Bill involved a violation of the recognized rules by which business was carried on. Then the Registrar had the power of summoning witnesses — all the powers, in fact, of a Justice. He was to decide a great number of questions, and an appeal lay from him to the Court of Queen's Bench. And yet, what was the tenure of his office? He was to be appointed by the Treasury, and to be removable by the Treasury.

Mr. Lowe

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check people by leaving them to appoint officers to check themselves. Having said that much, he would venture to make an observation or two in the direction of what appeared to him would be a better frame for the Bill. It seemed to him that the way in which the Bill dealt with registration assumed that registration was to benefit only the societies, and that if the societies did not choose to enforce it themselves, there was no harm to any one else. But he maintained that registration was as much a benefit to the public as to the societies; because the use of registration was that the societies could sue and be sued through the trustees, and if a society was not registered, it became a legal monster which could not be sued, excepting by suing all its members: It was most necessary and desirable, therefore, that everything should be done to facilitate the obtaining of that power. But these societies were unwilling to come in and take that power; and he did not much wonder at it. It occurred to him, however, though he did not say that we should register societies against their will, to ask why a law should not be passed, saying that all such societies which were not illegal should be able to sue and be sued by their trustees. In the matter of registration, it would have been better to have followed the course laid down in the Public Companies Act; but to erect the Registrar into a high judicial personage, as was done under the Bill, was contrary to the spirit and genius of our Constitution. It seemed to him that the real question resolved itself into a very simple matter. It must be taken into consideration that there were two kinds of societies. There was one kind of societies which could not be too highly commended, and which we could not do too much to help—societies which existed for the purpose of giving assistance in cases of sickness and funerals; and, as for these, if Parliament gave the power of suing or being sued, with any enabling clause that might be necessary, it would do all that was required. Better leave them to work out their own rules in their own way, without encumbering them with all this legislation. The advantage would be that they would learn something. Experience forced on people was apt to slide off; what they worked out themselves stuck; and that would

Mr. Lowe

be the gain in this case. There was another class of societies which really dealt with questions of insurance, and it appeared to him a great pity that they should be taken up by the working classes at all. They had not the leisure or the knowledge to work them effectively; the Government ought not to be in any hurry to encourage them, and would do more wisely to let these alone also, letting them manage themselves in their own way. One more suggestion. Government might effectually compete with these societies by means of the Post Office, and thus place perfect security within the reach of the working classes if they chose to have it. Why should we not follow, with regard to these societies, the plan that had been adopted and found to work perfectly well in the case of joint-stock companies? Instead of entering into all this quarrel about certifying their rules, which gave those rules an authority to which they were not entitled, why not prepare for them, as in the case of the joint-stock companies, a model form of regulations, which should be their rules, unless they chose to vary from them? He could not help thinking that by the provisions of this Bill, it would be impossible to work out the end in view. There ought no longer to be any hesitating between two opinions. He believed the working classes were able to manage their own affairs in the first class of societies to which he had alluded, and he thought it a pity that they were not left alone to do so. At the same time, he admitted the Bill had gained a good deal of out-door popularity by giving up everything which should have been kept, and keeping everything which should have been given up.

MR. W. H. SMITH observed, that the House had at least the assurance of the right hon. Gentleman (Mr. Lowe) that the Bill was favourably looked upon by the working-classes. The right hon. Gentleman had urged the desirability of leaving the working-classes to manage their own affairs, and this was exactly what the Bill proposed to do. The main object and great principle of the Bill was to ensure publicity by the rendering of accounts and valuation. The right hon. Gentleman referred to the fact that these provisions were contained in former Acts of Parliament, and now existed. That was so, but they were practically in-

operative, not having been secured by adequate penalties; and one of the main objects of the Bill was to see that the law as it existed should be operative and successful. In styling the Registrar a high judicial personage, it seemed to him the right hon. Gentleman had considerably magnified that functionary's importance, seeing that his duty was simply to see that societies complied with the rules in force. There was a good reason in giving to the Treasury the power of his appointment and removal; and if his conduct were called into question there was a Department ready to inquire into the matter without the employment of cumbrous and special machinery. He confessed he could hardly reconcile that part of the right hon. Gentleman's speech where he urged the adoption of means to prevent the management of societies from falling into the hands of a knot of dishonest persons with the desire he subsequently expressed that the working-classes should be left to manage their affairs themselves. In point of fact, the Bill did contemplate the management of the societies by the people themselves, and provided a great check on improper proceedings by means of publicity and the influence of public opinion. Again, the right hon. Gentleman's suggestion that there ought to be rules scheduled under the Act seemed to be directly opposed to the principle on which he desired to proceed. What the Government desired was that, subject to the check he had mentioned, the working-classes should have full liberty to found, control, and carry on such societies as they considered necessary or advantageous to themselves. It was not for the Government to say what the wants of the working-classes might be; but it was for Parliament to say that their own rules should be observed when laid down; that accounts in conformity with the Act should be rendered; and that quinquennial valuations based upon those accounts should be made in order that the ignorant and the simple might have within their reach information to guide them in the selection of a society. The hon. Member for Glasgow (Dr. Cameron), to judge from his speech, could hardly have been aware of the existing law with regard to Friendly and Insurance Societies. [Dr. CAMERON: There are 4,000 illegal Insurance So-

cieties in existence at present throughout the country.] At any rate, every such society of an illegal nature might in future be proceeded against under the provisions of the Life Insurance Acts, and this circumstance alone would, he believed, prove a great safe-guard to the public. He refused to believe, however, that the great majority of the Friendly Societies of this country were so dishonestly managed that they would be afraid of that periodical valuation which was one of the most important provisions of the Bill. If they continued to exist, they would be compelled to render their accounts either as Friendly Societies or as insurance companies. The Government were charged with reference to this Bill, on the one hand with doing too little, and on the other with doing too much. The Bill was an attempt to keep clear of the evil of paternal Government, and at the same time—and he believed it would prove to be successful—to take away from those who were breaking the law the immunity with which they now broke the law, and to compel them to make their actions clear before the world. It would be impossible by any mere legislation to provide absolute security either for the societies or their members; but it was very necessary that the public should not be left without information when there was the power to compel the officers to make returns. At present, however, there was no penalty attaching to the rendering of a false return, and to show the value of obtaining returns he would only say that a short time since he received information of a society which had a reserve of only £45,000, but which had insurances of £6,200,000. That society had not made a return because it did not come within the law as it at present existed; but if this Bill passed it would be bound to make a return at the specified period. Another objection which had been raised against the Bill was that it was an enabling Bill, but practically he considered it was a compulsory measure; because societies must register themselves as Friendly Societies, or subject themselves to the penalties of Insurance Societies if they did not bring themselves within the scope of Mr. Cave's Act. He expressed an earnest desire that if the Bill was read a second time the House would do all in its power to perfect its machinery,

which was intended, as far as legislation could go, to give security to the saving, to encourage by all possible means that most valuable spirit of thrift and economy which existed in so large a measure among the working-classes, and which was too often discouraged and depressed by the fact that savings, going on for years and years, had turned out to be entirely lost from the fraud or mismanagement of those to whom they had been entrusted.

MR. W. HOLMS: I concur to some extent with my hon. Friend the Member for Glasgow (Dr. Cameron) in his opinion that this Bill is not satisfactory, at the same time I think that there is in it so much that is good, so much that is sound, and so much that is in accordance with the recommendations of the Royal Commission on Friendly Societies that I shall support the second reading with a view to going into Committee, and, if possible, remedying the objectionable clauses. My hon. Friend has told us that a vast number—probably not less than a third—of all Friendly Societies are unregistered, and has used this as an argument in favour of having a large number of local registrars. I wish to point out to the House that the fact of a large number of these societies being unregistered is not a question of the number of registrars; it is a question of whether certain classes of Friendly Societies can be admitted to registration. At present the law is, that no “yearly” or “dividing” society can be registered. On inquiry I find that a very large proportion of unregistered societies come under this class; for instance, as regards 12 districts in Scotland, the Assistant Commissioner has reported that wishing to ascertain the reason why so many societies were unregistered, he made an inquiry, and found that of 2,756 no fewer than 2,216 were “dividing” societies, and therefore could not be registered; of the remaining 540, some were unregistered for other reasons, such as not having power, if registered, to invest their funds in shares. I would remind my hon. Friend the Member for Glasgow that the Bill now before the House proposes to admit dividing societies, and to allow all Friendly Societies to hold shares. The right hon. Gentleman the Member for the University of London has described the Bill as a weak Bill;

but I would remind the right hon. Gentleman that it contains two admirable provisions, and if it contained nothing else, and thorough effect could be given to them, I venture to think that it would not be a bad Bill. The first of these provisions gives full power to a certain number of members of a society to demand an investigation into the state of its affairs, and the second provides against lapses; it has been the habit of some societies to neglect to call upon certain members for their periodical contributions, the consequence being that those members lapsed out of benefit, and in the Report of the Commissioners this is repeatedly referred to as a cause of fraud on poor and ignorant people. If the House accepts the Amendment of my hon. Friend, legislation will be delayed at all events for another year, it cannot be urged that we have not sufficient information on the subject, for in this respect the Report of the Royal Commissioners has been most complete and exhaustive. Nor can it be said that we have not had time to consider this measure. Last year the Bill was laid before the House, read a second time, and afterwards committed and reprinted. During the Recess, hon. Members and deputations from Friendly Societies have had opportunities of laying their suggestions before the Chancellor of the Exchequer, and I am bound to confess that the right hon. Gentleman has always received such suggestions with the greatest courtesy and consideration. The result of all this is the Bill now in the hands of hon. Members. It may be asked, are the Friendly Societies themselves in favour of legislation? It has been my good fortune to have come much in contact with leading men connected with those societies, and I can assure the House that those men, representing upwards of 2,300,000 members, are desirous of such legislation as will clearly define their position; that will protect the ignorant and helpless, so far as they can be protected by Act of Parliament; and that will give the public confidence that their operations are conducted on sound principles. At the same time, they are most anxious that there shall be no undue Government interference, and that within certain well-defined limits they shall have full power to manage their own affairs in the manner they

Mr. W. H. Smith

think best; and it appears to me that they have good reason for taking up this position. If we look to the history of these societies, we must acknowledge that the working men of this country have in their management shown an amount of prudence, self-reliance, and practical sagacity which forms one of the most interesting features in the progress and civilization of the century in which we live, and which finds no parallel in any other country in Europe. Friendly Societies are of comparatively recent origin. The first Act for their regulation was passed in 1793. Such, however, at that time was the ignorance of vital statistics and of the principles on which such institutions should be conducted, that few or none of the societies founded during the last century are now in existence. During the last 30 years, and more particularly during the last 10 years, their progress has been remarkable. So quietly, however, have their operations been conducted, that until the Report of the Royal Commission was published, I believe that the public had scarcely any conception of their magnitude. I find that the Manchester Unity of Odd Fellows had in 1873 470,000 members. During the preceding five years its income was £2,800,000, or nearly £600,000 a-year. Of this £1,928,000 was distributed in sick allowances and grants made on the deaths of members. Another society—the Ancient Order of Foresters—which in 1845 had only 66,000 members, had in 1873 increased to 420,000, with an annual income of £491,000, so that those two societies alone have between them nearly 900,000 members, with a revenue of more than £1,000,000, and, I believe, funds amounting to £4,920,000. It has been estimated that 3,000,000 of the very very flower of the working classes are directly or indirectly interested in these great affiliated orders or brotherhoods. There is another class of societies even more numerous in their membership. I refer to the Collecting or Burial Societies, one of them, the Royal Liver, having upwards of 600,000 members. Besides these great classes, there is an infinite variety of local and other societies, the whole forming an aggregate of 4,000,000 members, with funds in hand amounting to £11,000,000 or £12,000,000. It has been estimated that by their means £2,000,000 a-year is saved to the rates;

but, what is of greater importance, these societies, while thus tending to lessen the degrading influence of our Poor Law system, promote habits of thrift and forethought. They are the great life insurance companies of the working classes, who naturally look with jealousy upon any legislation of an arbitrary character, or which will favour one class of society at the expense of another. It is well that the healthy breeze of public opinion should be brought to bear on them, but we should carefully avoid interfering with what is sound, vigorous, and useful in the work now going on so successfully. I give the Chancellor of the Exchequer full credit for desiring to make this a good measure. At the same time, I am bound to say that I think it contains provisions which, if allowed to remain unaltered, will seriously affect the future success of Friendly Societies. To some of these I shall now, with the permission of the House, briefly refer. The first and most important requisite for these societies is sound tables. The Royal Commissioners report as follows:—

“A main cause of the wide-spread insolvency of Friendly Societies is the inadequacy of the rates of premium for the benefits promised;”

and they recommend that tables of premiums for sickness and death claims should be prepared by Government, the adoption of which should not be compulsory. I trust that a clause will be introduced into the Bill instructing the Chief Registrar to prepare such tables, as will constitute a standard by which the public may judge whether a society is being conducted on a sound basis or not. I venture also to suggest that a provision should be made that all monies for insurance purposes should be kept distinctly apart from the funds that are destined to be divided. I agree with the hon. Member for Wenlock (Mr. A. H. Brown) that the number of persons who can demand an investigation is too small; it is an anomaly to provide, as proposed in the Bill, that three-eighths of the members are necessary to an investigation, when the total number in a society is under 1,000, and that only 100 should be required to obtain an inquiry when the members are under 10,000. The most objectionable clause, in my opinion, is Clause 29, which enables societies carrying on their operations within one county to be free from nearly every restriction imposed in the Bill, and if

passed in its present form, the result will be that instead of encouraging those large societies to which reference has been made by the noble Lord the Member for South Northumberland (Lord Eslington), an undue advantage will be given to small local societies, which under the shadow of the law will be enabled to continue unchecked those abuses so ably pointed out by the Royal Commissioners, I would strongly urge that local societies should be placed in the same position as other societies. There is in this clause a remarkable peculiarity, unregistered societies are required, under certain penalties, to give rules and policies to their members, to give notice to members before their benefits can lapse, to provide a balance sheet for the inspection of members; but, nevertheless, there is no machinery provided in the Bill to give the Registrar any hold over them: I would suggest that all unregistered societies, by sending a copy of their rules and the address of their chief office or place of business, should have the benefit of the clauses for the prevention of fraud and the settlement of disputes, and might be called "Enrolled Societies." I confess that I am at a loss to understand why societies should by this Bill be permitted to invest their funds in shares of any kind they like while they are limited to the purchase of one acre of land in each county in which they may have an office. Why, Sir, had their power in this respect been untrammelled in the past their property would have been greatly increased in value, for hon. Gentlemen are well aware that there is no class of property so safe, and none which has more increased in value than land. In conclusion, I wish to call attention to the almost unlimited powers given to the Chief Registrar under Clause 37. I am strongly of opinion that all rules, regulations, and forms of Returns, should, as far as practicable, be set forth in Schedules in the Bill itself, in the same manner as has been done in the Life Assurance Companies' Act. I have thus endeavoured to point out some of those features in the Bill which appear to me to be objectionable, and I trust that if read a second time, the Chancellor of the Exchequer will allow such a time to elapse before going into Committee as will enable hon. Members fully to consider the various points to which their

attention may be called in this debate; and, I further trust that the right hon. Baronet will be prepared before going into Committee to make such alterations as may be necessary to render this Bill what I am sure he, and this House desire it should be, a measure that will deal fairly with all Friendly Societies, and tend to promote their greater usefulness and further development.

Mr. HOLT wished to thank the Chancellor of the Exchequer for the kindness which he had shown to deputations who had attended on him with reference to this matter. He thought that, if such a measure as the present was to be of practical value, there must be nothing like petty meddling, and broad principles must be laid down for the government of Friendly Societies. The constituency he represented (North East Lancashire) took a great interest in the question, and he had received a good deal of correspondence on the subject of the Bill. The whole of these communications, however, he might say, mainly referred to two matters—the first relating to infant assurances, and the second to restrictions placed on the investment of their funds by the societies. As regarded the former, they were in favour of having matters left as they were, so far as the insurance was concerned; and they thought that if the receipt of the insurance money were limited to parents or guardians, that would practically be a sufficient precaution against abuse. The Commissioners believed that it would be impossible to ascertain, without compulsory powers and without the right of indemnifying witnesses, whether or not the present system encouraged child murder; and he thought there should be full inquiry before such a stigma as that involved in the provisions of the Bill should be passed upon the working classes. With regard to the investment of the funds of these societies, objections were entertained to the limitations contained in Clause 16. The working classes looked at this question from a practical rather than a theoretical point of view. He had some figures affecting 55 societies in his district, containing 10,000 members, with an accumulated capital of £55,720, upwards of £33,000 of which was legally invested. It suited the purpose of many of these societies to run the risk of illegal investment rather

Mr. W. Holmes

than submit to the restriction of the law, which hampered their action and damaged their property. If undue restrictions were imposed, the societies would refuse to register, and would keep outside the pale of the law; and he hoped, therefore, that some relaxation of the 16th clause would be made. He asked the Government, also, whether it might not be desirable to put a clause in the Bill which would make societies anxious to register? This Bill would certainly not have that effect; and he, for one, was desirous that all societies should be registered. On the whole, he recognized great improvements in the Bill compared with that of last year, and trusted that in Committee it might be still further improved. It was impossible to meet the requirements of every particular case. Parliament must be content to lay down certain broad principles, and its object should be to strengthen rather than fetter the action of these societies in carrying out their very laudable purpose.

Mr. COWEN said, that for over 20 years he had had considerable experience of these societies and was unable to concur with his hon. Friend (Dr. Cameron) in the Amendment for the rejection of the Bill. On the contrary, he thought that the Bill fairly met the requirements of those societies. It might be amended in Committee; but, substantially, he believed it would satisfy the managers, and be of service to a very important section of the community. One of the strongest passions of Englishmen was their desire to take part in matters of a public nature, and if a number of them were thrown upon a desert island, he believed the first thing they would do would be to call a meeting, appoint a Chairman, and nominate a Committee of Management. This desire was gratified in the case of working men by their becoming members of these societies. There they became acquainted with the restraints of public business, were enabled to meet their brother workmen, and to discuss matters affecting themselves and their fellows. The Chancellor of the Exchequer had evidently studied the whole subject very carefully; and of the three Bills which had been prepared, the second was better than the first, and the third was better than the second. Some persons were of opinion that the best thing the

Legislature could do for these societies was to leave them alone; while other persons held that such societies should be hedged round by legal restrictions. The Bill struck a very fair medium between these conflicting views, and, with the Amendments, which would no doubt be adopted in Committee, he should cordially support it. Friendly Societies wanted protection, not interference. By protection he meant protection from the improper proceedings of dishonest officials; but there should be no Government interference with the internal affairs of the societies. He believed that the educational influence of these societies was felt by the entire community. With respect to their stability, there existed a general impression that they were insolvent. Now, he admitted that some of them, if they were suddenly called upon without warning, would not be able to meet their engagements. For instance, when the cholera was very prevalent some of them were considerably paralyzed; and if a similar calamity should again occur in some parts of the country, other institutions, besides Benefit Societies, would be placed in great difficulty. Some 24 years ago he was a member of a society which many authorities pronounced to be insolvent, but that society was in a flourishing state to-day. The Amalgamated Society of Engineers was said by very competent persons to be insolvent; but it was more powerful to-day than ever. He had no faith in predictions. Prophecy was a very seductive but not a very profitable thing. They had heard many predictions that this country was on the high road to ruin; but the gentlemen who made them would now be the first to admit that England to-day was more prosperous and the people more contented than ever. The predictions with regard to Benefit Societies and their insolvency were as little to be relied on as political prophecies. The last Bill which the House had before it proposed that tables of contributions should be published for the benefit of these societies. Such tables should be framed upon the very lowest scale of payment compatible with security, and for this reason: a working-man might have nominally £75 a-year; but owing to deductions on account of holidays, weather, and other causes, his real earnings might not average more than two-thirds

of that sum. A mason, for example, would be better able to pay 3s. or 4s. a-week in summer than a third or fourth of that amount all the year round. The Government, therefore, in preparing tables would do well to make the payments as small as possible. He agreed with the observations which had fallen from his noble Friend the Member for Northumberland (Lord Eslington) with regard to Burial Societies. He could say from his acquaintance with working-men that the recommendations of the Royal Commission on the subject, and the clause in the Bill had been a source of serious pain and grievous annoyance to a large class who viewed it as an insult to themselves. He was quite certain that neither the right hon. Gentleman nor the Royal Commissioners meant that any such interpretation should be put upon what they had done, and that no man in the country seriously harboured the thought that working-men would allow their children to die of neglect or by some means still more culpable if they were enabled to insure their lives. It would be a libel on the working classes to say so. The best course to take would be to strike the clause out of the Bill. He had for years sympathized in their political opinions, and worked with them for their social improvement. He had watched them closely, and he knew that the statement that they were indifferent to their offspring was not founded on fact. No man felt more keenly for the poor man than his brother workman, and the parental feeling of the artizan was as strong for his children as that of other persons in higher classes. It was impossible to meet the views of all parties, or to please such a highly-critical Gentleman as the right hon. Member for the University of London (Mr. Lowe); but he had hopes that a Bill would be passed which substantially would meet with general approbation, and which would be satisfactory to the great mass of the working people of this country.

MR. STANSFELD said, he was surprised, after the speech of the hon. Member for Newcastle (Mr. Cowen), that he was not prepared to support the right hon. Gentleman the Member for the University of London (Mr. Lowe) instead of opposing him, for, if he understood him rightly on this subject, the working classes required protection—

but not interference—and that was the view which his right hon. Friend propounded. As to the manner in which the Bill had been drafted, that was a matter which might safely be left to the Committee. Undoubtedly, the quinquennial returns and valuations, however imperfect, would be of value, because, when published, they would have a beneficial effect upon the course of business of these societies. He noted, also, with considerable confidence, the clause in the Bill which referred to the inspection of the affairs of societies as one which would probably be very operative. The subject had been investigated by a Commission consisting of very earnest and able men, and the evidence taken by them showed its great complexity. Instead of entering into a critical discussion of the clauses of the Bill, he would state the general views which he was disposed to entertain, with regard to legislation on this complicated subject. There were two principles under the guidance of which it appeared to him they might safely legislate. The first was one which had been laid down by his right hon. Friend the Member for the University of London, and no reply had been made in regard to it by the hon. Gentleman the Secretary to the Treasury (Mr. W. H. Smith). It was that in the interests of the societies themselves and of the community at large, it was right that the societies should have ordinary protection against fraud—that they should be brought within the law and enabled to sue and be sued on easy terms. The second principle was not so absolute, although it recommended itself to his mind. It was that if after adopting the former principle they wished to apply a more stringent law in order, step by step, to raise the character and status of these popular bodies of men it ought to be done by voluntary arrangement, and there ought to be nothing compulsory. If the Legislature was guided by these principles, they would be able to effect all that it was desirable to attempt. With respect to the application of these principles, different methods were possible. Four of the Commissioners who had considered the subject recommended in a separate Report a method of their own. It was that discriminating certificates should be given to the societies, those whose affairs were found by the

Mr. Cowen

actuaries to be highly satisfactory receiving a first-class certificate. Having regard to the principles he had mentioned, this plan of requiring all societies to be registered, but granting discriminating certificates, did not recommend itself to him. He thought it too stringent, and that the line of demarcation between the two classes of societies would not be broad enough. Whilst granting protection to all societies, without registration and on deposit of rules, he should be prepared to go much further than this Bill proposed in the direction of making more stringent regulations for the government of registered societies, and so to secure their practical solvency. He should be willing to have registered societies a select class to be dealt with much more stringently than they were at present, but to which additional privileges should be given in return. He should also be prepared to render them greater assistance than it was quite clear that the right hon. Gentleman proposed to give them by this Bill, and he should like to see the machinery of the Bill strengthened. He wished to know why the Bill did not include the provisions which were in the measure of last year for the appointment of an actuary and the framing of insurance tables. The Bill enacted that a society already registered would be a registered society, and that with respect to the societies not registered, they would have to be registered, or else comply with the regulations under which Insurance Companies were established; and the argument of the Secretary to the Treasury was that in this way all Friendly Societies would come within the purview of the Act. He doubted the efficiency of central management and control, and could not see how a Registrar in London could undertake to superintend all those throughout the country, and he therefore hoped the Government would take care to provide an adequate local machinery. On the whole, however, he should advise the hon. Member for Glasgow (Dr. Cameron) not to press his Amendment that the Bill should be read a second time that day six months, in the hope that the right hon. Gentleman would give a careful consideration to the various suggestions that had been offered in the course of the debate.

MR. MORGAN LLOYD agreed with the right hon. Member for the Univer-

sity of London that the Bill should be re-modelled, in order that it might be better understood, not only by lawyers, but by the officers and members of Benefit Societies. There were provisions in it which were contradictory, and others so obscure as to leave those who attempted to understand them in a perfect fog. It was, he understood, intended that the measure should be applicable not only to England, Scotland, and Ireland, but to the Isle of Man and the Channel Islands; but though the 1st clause provided that the Bill should extend to the Channel Islands and the Isle of Man, the Channel Islands were not again mentioned from the beginning to the end of the Bill, except that in the Interpretation Clause it said that "England" should include the Channel Islands and the Isle of Man. Hon. Members all knew that the Channel Islands were in some respects independent of that House—had Legislatures of their own, and had a system of law of their own, and methods of administering justice totally different to those in force in this country. There would, therefore, be the greatest difficulty in applying the provisions of the Bill to those Islands. With regard to the Isle of Man—indeed, the Bill contained some special provisions, but still its operation in that Island would probably be left doubtful and uncertain. That consideration being borne in mind, it would have been a great deal better if the framers of the Bill had confined their attention in the first instance to England and Wales, and then have added substantive provisions by which to apply it to the Channel Islands and the Isle of Man. He regretted that it was not proposed to repeal the various Acts upon the subject, and to re-enact such portions of them as it might be thought desirable to retain. Upon the whole, however, he could not but express satisfaction that the Bill was a great improvement upon that of last Session, especially with respect to the very reasonable compromise which was now proposed with regard to insurances upon young children, and he would, therefore, support the measure.

MR. MELDON said, the Chancellor of the Exchequer appeared to have altogether forgotten the interests of Ireland in framing the provisions of the Bill. There were two great objections to it as affecting Ireland. In the first place, the

poorer classes, who were the principal members of Friendly Societies, were not protected in the way in which any Bill of this nature ought to have protected them; every facility was offered by the Bill to societies holding property in England to extend their operations to Ireland, where they had no funds or any other property to meet their liabilities. The result would be that those dealing with such societies must have recourse to the property in England to enforce their claims. This system must work a great injustice to the poorer classes who principally dealt with Friendly Societies. Surely it was not fair to oblige a tradesman or humble man in a remote part of Ireland to enforce his claim in England. There should be a provision requiring every society having its principal place of business out of Ireland to have funds or property in Ireland to meet its liabilities. These societies ought to be made as local as possible, and every protection afforded to those who contributed to their funds. In the next place, the proposed system of having a central office in London to which all appeals from the Assistant Registrar in Ireland must be brought was essentially bad. The jurisdiction of the Irish Courts was ousted, and power was given in certain cases of suing debtors to the societies in England although resident in Ireland. This effort at centralization must be strenuously resisted, and the interests of the Irish people protected. Great injury had resulted from the poor of Ireland insuring themselves in English societies, which were not amenable to the Irish Courts. These societies ought to be made as local in their operation as it was possible to make them, and no society ought to be allowed to do business in Ireland unless it was registered in Dublin, was amenable in every respect to the Irish Courts, had its principal place of business in Ireland, or else held funds or property in that country equal to its liabilities there, so that it might be sued in the Courts of Dublin, which were perfectly competent to deal with any question that could arise out of the working of such societies. The registration of joint-stock companies in Dublin had answered very well.

THE CHANCELLOR OF THE EXCHEQUER said, he had often observed that, in discussing the second reading of a Bill,

they were a little apt to turn their attention too much to the clauses, and they occasionally ran into the danger of not being able to see the wood for the trees. In what he had to say he should endeavour to avoid that error as much as possible. With regard, however, to what had fallen from the hon. Member for Kildare (Mr. Meldon), he would observe that so far from the Government having in any way omitted to consider the case of Ireland, so far from their having attempted to set Irish interests aside, they considered that it was one of the recommendations of their measure that it would meet many grievances which were brought under the notice of the Royal Commissioners, as existing in Ireland under the present law. What the societies found so very inconvenient was that there were three different Registrars for the different divisions of the United Kingdom, and that each of them proceeded upon principles which were not necessarily the same as those of the other Registrars. It not unfrequently happened that societies which were registered in one part of the United Kingdom failed to get registered in another part in consequence of the different mode of proceeding there, or of some difference in the construction put upon the law by one or the other Registrar. The consequence was that an Irishman who insured in a society registered in England, but not in Ireland, might find himself unable to obtain redress. He was willing to admit that there might be points in the Bill which might have failed to meet entirely the case of Ireland; but he could only say that if any amendments were required for that purpose they should be fairly considered, and he might say the same with respect to what the hon. Member for Beaumaris (Mr. Morgan Lloyd) said about the Isle of Man and the Channel Islands. He had received several communications on that subject, and there were Amendments which he was prepared to introduce, so as to put the Bill on a proper footing. But these were points which would be better discussed in Committee. This was a subject of great complexity, and he should be greatly delighted to find that there were no greater difficulties to deal with when they went into Committee than these details. He could hardly expect that this Bill would not be challenged on the second reading;

Mr. Meldon

and he was quite prepared to see a Notice placed on the Paper by some hon. Member for reading the Bill a second time that day six months. But he owned he was rather surprised and very sorry to see that Notice in the name of the hon. Member for Glasgow (Dr. Cameron), because there were very few Members in the House, as he knew, who had paid so much attention to this subject as that hon. Gentleman. He had heard of gentlemen who had worked for six months at the Report of the Royal Commission, but the hon. Member for Glasgow had been working at the question for years before the Royal Commission was appointed, and no one gave them better evidence when they were in Glasgow than the hon. Member. He was, therefore, sorry to find that the Bill had so far displeased the hon. Member that he found it necessary to put so strong a Motion upon the Paper. He hoped, after what had passed, and after what had been stated by the right hon. Gentleman the Member for Halifax (Mr. Stansfeld), the hon. Member would not find it necessary to press his Motion to a division; and that, after the general feeling expressed in all quarters that the measure was at least one deserving of examination and consideration in Committee, it would be allowed to pass the second reading without opposition. He admitted, however, that the hon. Gentleman had raised many points well worthy of attention, and his Motion had given occasion to a debate which could not fail to be instructive, and he hoped useful, in the further stages of the measure. He would endeavour, in the observations he had to make, as far as possible, to keep to the leading principles of the Bill; and he would say it rested upon three principles, of which one—he might call it the main and governing principle of the whole measure—was this, that they should endeavour to proceed by way of recognition and amendment of the present system rather than by endeavouring to sweep it away and establish a new one. If they had a *tabula rasa* before them; if they had a new work to undertake, he was not prepared to say that the system embodied in this Bill would be in all respects that which they should select. But that was not the state of the case. They were legislating for an existing state of things. A system of

law and practice founded on that law had grown up for now quite a century, and they had a very large number indeed of the working class and the lower middle class of this country interested in the system that now existed. According to evidence given before the Commission, they had reason to believe that there were 4,000,000 persons directly, and probably another 4,000,000 indirectly, interested in these societies as they stood, and they must take very great care that any legislation they attempted considered properly the interests of these 8,000,000 persons. The House of Commons was always most tender with respect to vested interests; and were there any vested interests that could compare with those of this great body of people to whom he had referred, who had invested under the present system, he believed, not less than £11,000,000 or £12,000,000 sterling, and in the respect to which any step taken, though seemingly harmless, might produce disastrous consequences? Therefore, they could not deal with this matter in the smooth and easy way in which they might deal with it if they were about to set up a new system, and considering what that new system should be. He ventured to say, both on the ground of policy and justice, they must be very considerate of these people, and of the societies which had come into existence. What was the condition of these societies? There were at least 30,000 Friendly Societies, and of these 22,000 at least had obtained registration; 22,000 societies were now in possession of the field, and their rules bore the signature of Mr. Tidd Pratt or Mr. Stephenson. Were they going to ignore these societies? Were they going to sweep them away altogether? They could not strike out the names which had been signed; they could not—to coin an expression—un-Tidd Pratt these societies. What were they to do with them? Were they to leave them in possession of such a prestige as their present certificate denoted? Surely that would be simply to stereotype the Government approbation to which so much objection was raised. In any action they might take, they must consider the class of persons to whom their legislation applied, and the effect it would have upon them. What was the history of these societies? From what had they sprung? Not from

the legislation of Parliament, but from the action of the people themselves. What was that action? It was the effort of the great mass of the people to free themselves from the demoralizing influence of the Poor Law; it was what he might call the heroic conduct of the great mass of the people to provide for themselves. It might, perhaps, be the case that in some of the steps taken they had not altogether kept themselves free from error, follies, or mistakes; but it would be as ungenerous and unworthy to allow the contemplation of these errors and mistakes to blind them to the real merits of that great system, as it would be to criticize the conduct of a patriotic band of Volunteers engaged in defending their native land from hostile invasion, because they did not keep step or march with all the exactness of the Regular Army. This system had grown up by the exertions of the people themselves, and they must take care that what they proposed commended itself to their favourable consideration, otherwise their laws would be waste paper, and things would be no better, perhaps worse, than before. Then, again, they had to consider that this system, though sprung from the people themselves, had been elaborated so far by the concurrence and assistance of the Legislature. They could not say they washed their hands and kept themselves clear of the system. They had made themselves responsible for a great deal that had occurred; and they could not say they would be responsible no longer. They must bear in mind that their laws had been of very great weight in determining the condition into which this question had now come. It was quite true that many of their regulations were not adopted with a view to the precise effect they had produced. The Registrar's certificate, for instance, was to the effect that the rules of such and such a society were in conformity with the law; but it was not originally the intention that the certificate should indicate a well-managed society. It was given on account of the jealousy with which Parliament regarded these secret societies, and was intended merely to imply that there was nothing in the objects of the society contrary to public policy. It was true it had grown into something different; because the Registrar now looked into the rules of the society to see whether they were in conformity with the objects Parliament

had in view, and whether they were or were not such as he thought would be calculated to accomplish the objects which the society professed. But, that being what the thing had grown to, they could not set all that aside, because they were already responsible for having brought those societies into the position in which they stood; and if they were now to abandon them and place them in the difficulty in which they would thereby put them, the societies would have a very just cause of complaint against them. Therefore, he said, their new Bill was one founded on the present system, while they also endeavoured to amend that system where it required it. For a main or, at all events, a primary justification of their course in so doing, he would appeal to the men who were connected with those societies and who managed them themselves; and even the right hon. Member for the University of London (Mr. Lowe) was compelled to admit that the measure was one which had, on the whole, the approval of the working-classes of the country. And there was a great deal in that. It was everything, in fact, as regarded the principle of the measure; because they were now taking the opinion not of the worst of the working-classes, but by hypothesis that of the very best, the most prudent them—of the men who had done most of to advance the cause of providence and independence among the people. They were taking them into council, and it was in accordance with their views and wishes that they were proceeding in the matter. And having now spent several years in the investigation of that subject, and having had occasion to communicate with large bodies of people, and with the representatives of most of the largest of those societies, he said with confidence that the best of those who represented that cause would tell them boldly and fairly that they looked on the system of registration as a great advantage, and that it had been by the influence of the Registrar and of the Registration system that they had been enabled to bring about many of the reforms they had accomplished. If they asked those who were responsible for the affairs of the Manchester Unity, the Foresters, or other great societies, they would all hold the same language. That did not arise from any desire to throw off the responsibility which be-

The Chancellor of the Exchequer

longed to them, or from a wish to lean on Government responsibility; but those persons found in that system, even with the defects pertaining to it, an assistance and support in working out the improvement of their societies, and therefore they desired to uphold it. What happened five years ago, when the right hon. Gentleman opposite (Mr. Lowe) proposed to alter the system, and brought in a Bill to do away with the Registrar's office? Why, there was such a general movement among the different societies in opposition to that measure, that the right hon. Gentleman was obliged to suspend, if not to abandon, his proposal, and the result was the appointment of the Royal Commission which had led to the introduction of the present Bill. He had said the Bill proceeded on three principles, and that the governing principle was to proceed on the lines of the existing law. And they would do so within these two limits:—First, that they should endeavour, as far as possible, to give assistance and information to the promoters and the members of these societies; and, secondly, that they should require from the promoters and managers of these institutions information which would enable those belonging to them to form good opinions for themselves as to the character, solvency, and general management of the societies of which they were members. And he thought that, on the whole, they had succeeded tolerably well in framing their measure on those lines. He did not say it would not have to be considered and discussed in Committee. There were many amendments in it that would have to be made; but he should be much disappointed indeed if the principles they had sought to lay down were not accepted by the House. With regard to the general tenour of the observations of the hon. Member for Glasgow (Dr. Cameron), he would admit that the Bill differed materially in several important respects from the recommendations of the Commissioners. The Bill introduced last year was more nearly in accordance with those recommendations than the present Bill. He was not ashamed to say that if the matter were entirely free from difficulties he would prefer that the present Bill should have more closely followed the recommendations of the Commissioners; but the representations made from all parts of the

country in conferences which he had held with persons connected with those societies had convinced him and his Colleagues in the Government that it was necessary in some respects to modify those recommendations. He did not, however, think they had departed from them by any means to the extent the hon. Member supposed. They had given up one important provision—he meant the local registration—but in other respects the changes which had been made were more apparent than real. For instance, with regard to the question of Government insurance, that was a matter which lay outside the Bill, and which could not be dealt with in it, although nothing had been said on that subject and certainly nothing had been said to intimate that the Government would not at the proper time, or under the proper restrictions, take that proposal into consideration. He did not wish to express now, on the part of the Government, any opinion favourable or unfavourable upon it. Then with regard to the preparation of the tables and the actuarial staff, it was true that provisions on those points did not appear in the present Bill; but, as had been pointed out by his right hon. Friend the Member for Halifax, those provisions were not necessarily set aside because they did not appear in the Bill. As he had informed the House when introducing the measure, it was the intention of the Government to proceed with the preparation of tables; and the reason why they had not inserted the words in the Bill was that they found an impression prevailing on the part of many societies that the words in the Bill of last year implied that the tables to be put out by the Government were to be compulsory on the societies. That would have been entirely at variance with the principles on which they intended to proceed. Anything further from their intentions than putting out tables that were to be compulsory on those societies could not be conceived. They retained, however, the intention of promulgating such tables; and so with regard to the actuarial staff or whatever staff might be necessary to strengthen the central office; that would receive attentive consideration. Now that they had parted with local registration it followed that they should make the central office as strong as might be requisite for the

work it would have to do. With regard to the criticisms of the right hon. Gentleman opposite (Mr. Lowe) he confessed he had expected a very formidable onslaught on the measure from that right hon. Gentleman, and he was somewhat relieved when he found him first directing his attack against the draftsman. That gave him the impression that the right hon. Gentleman had not seen good ground for assailing the principles of the Bill. Some of his strictures as to the drawing up of the Bill turned on points rather of taste and of fancy than of material importance. And when it was said that it was difficult to understand the Bill, he must observe that the great mass of persons connected with those societies with whom he had been in constant communication had found no difficulty in understanding it, whether they altogether approved its provisions or not. Then the right hon. Gentleman opposite said they professed to consolidate the law and repeal all the Acts on the subject with the intention of re-enacting them, but that they left many of them standing, and then they had clauses to invest the Registrar with powers which it was impossible to understand without reference to some Acts which they had repealed. But that was not quite the case. The clause to which the right hon. Gentleman alluded referred, indeed, to the powers possessed by the Registrar under other Acts; but those Acts did not relate to Friendly Societies, but to Savings Banks, Trades Unions, and other institutions which it was attempted last year to weld into one Bill, but which they were compelled to keep separate through the objections—mistaken objections, he thought them—of Trades Unions and other societies to be incorporated into one Bill with Friendly Societies. The right hon. Gentleman said—"You profess to lay down a certain code of law, but you really give the Treasury the power of making regulations which are to be law; therefore, after taking all this trouble to lay down a code of law, it is really the Treasury who are to make regulations for the Registrar, the procedure under this Act, and so forth." That was a very formidable objection at first sight, and he (the Chancellor of the Exchequer) turned for a moment to the Bill to find out how they came to put such a clause in it, and then it occurred to him that it

was a clause which was not original. It was plagiarised from a very high authority. In fact, it was taken word for word from a clause which was contained in a Bill introduced by the right hon. Gentleman the Member for the University of London himself in the year 1870, with two exceptions. One of those exceptions was that in that Bill the President of the Board of Trade was to make these regulations, whereas in this Bill it was to be the Treasury—he did not know whether that made any difference—and the other was that by this Bill the Government proposed that all these regulations should be laid before Parliament, whereas in the right hon. Gentleman's Bill there was no provision of that kind. Therefore, if they had erred, they had erred in very good company. There were other provisions which the right hon. Gentleman criticized; but, as he was not then present, he (the Chancellor of the Exchequer) would not detain the House by going minutely into them. But there was one observation he made which was a little amusing, because after he told them his objections to the Bill, and said it interfered too much, and hampered societies, he gave them a little cursory sketch, not very fully worked out, of what his own idea was; and his own idea was that they should make model rules for all these societies, and put them into Schedules to the Act. He (the Chancellor of the Exchequer) must say that if they attempted to deal with these societies on the principle of making model rules for them, and put them into Schedules, they would be doing something much stronger than he had attempted to do by this Bill. He was quite satisfied that the Manchester Unity, the Foresters, and even the Ancient Antediluvian Order of Buffaloes, and other Friendly Societies should be allowed to make their own rules, subject to the condition that the Government should see there was nothing in those rules that was distinctly contrary to law, and provided also that they should see those rules contained matter which it was essential for them to contain in order to give proper information. And such rules as those actually were in the Schedule of this Bill—that was to say, the points which must be touched by those rules were all distinctly set forth in the Schedule, power being reserved to

The Chancellor of the Exchequer

the Treasury to lay before Parliament from time to time such regulations as they might think should be incorporated with those rules. If anybody could feel jealousy on that point, it would be the managers of societies, and he was bound to say that he had discussed with many managers of societies, and he thought, upon the whole, that they were convinced, when they talked the matter over, that it was better the House should not try to cast these rules into hard-and-fast provisions in the Schedules of an Act of Parliament, but should allow the greater elasticity which belonged to the action of the Treasury and the Registrar's Office. As to the speech of the right hon. Gentleman the Member for Halifax (Mr. Stansfeld), he (the Chancellor of the Exchequer) did not know that there was very much in it that it was necessary for him to remark upon. The right hon. Gentleman said that, in his opinion, they ought to bear in mind two principles—first of all, that they ought to afford ordinary protection to all societies against fraud; and, secondly, that if they wished to raise their status they should do that by 'voluntary arrangements.' He (the Chancellor of the Exchequer) confessed he did not thoroughly understand the second of those principles. He did not quite understand the meaning of raising their status by voluntary arrangements. It appeared to him that the right hon. Gentleman set aside—as he quite agreed with him in setting aside—the recommendations of half of the Commissioners who wished to make two grades of societies. As to the deposit of rules, it was one of the most inconvenient points in the present law. It was one of the ways by which a door was open to evade provisions of the law, and one of the greatest improvements they could make was to get rid of the system of the deposit of rules. But the right hon. Gentleman said they ought to afford ordinary protection to all societies against fraud. He did not know whether the right hon. Gentleman meant all Friendly Societies or all societies whatever. If he meant to say that the House ought, by provision of law, to protect all persons associating themselves for any object whatever from fraud, he was quite prepared to agree with him. To a certain extent that was already done by the Act of the Recorder for the improvement of the law of lar-

ceny; but that Act did not protect all associations against fraud. He did not think protection ought to be limited to Friendly Societies. He thought they ought to extend whatever protection they wished to give to all associations of persons who were assembled for lawful and innocent purposes. But if he meant to give a *privilegium* of that kind—protection against fraud—to Friendly Societies, as such, he introduced a different principle, and one that the House would have very carefully to consider. That led him (the Chancellor of the Exchequer) to the consideration that the status of Friendly Societies was a privileged status. That must never be forgotten. They put these societies into a position which they could not occupy by the ordinary law. That was an answer to a great many complaints that were made by them or by writers who said Friendly Societies had this restriction and that restriction put upon them. Those restrictions were imposed upon them because a privilege had been given to them. They were exempt from the legal control to which life insurance companies were subjected, and from the operation of an Act of George III. which prevented the insurance of those in whom the would-be insurers had not an insurable interest. When it was said this legislation accomplished no good whatever—that societies would try to keep out of it, or would disestablish themselves in order to get away from it—he did not consider that was a correct description of the condition of things that would arise. There were ample means and ample inducements for those societies to bring themselves within registration. It was said the registration would be futile, as it had hitherto been. He did not think it would be, because by this Bill, for the first time, the obligations imposed on registered societies were to be enforced by penalties. It was also said—"What was the use of penalties when they had done away with all local registration?" He had confidence in the good sense and good feeling of the managers of the great mass of these societies, and he believed when their attention was really directed to the subject, and they were supported by more stringent and more convenient provisions, they would be quite ready to come forward to make returns in a way that would render it unnecessary to attempt

to enforce the making of them. Nothing had struck him with more admiration than the way in which they had for years made these returns, at great trouble to themselves, all the time knowing that no use was being made of them, that they were put on a shelf, and the Registrar's office encumbered with them; that they had received no acknowledgment of them, and that perhaps the only communication they had received was a notice that they ought to send in a return, which they had sent in two or three months before. Looking at the way in which the societies had worked under the present law with all its inconveniences, he confidently expected that the Bill, affording them as it did increased facilities for the conduct of business, would meet with their cordial co-operation. He believed that although the Government had not been able to devise local machinery which could be put into an Act of Parliament they would have the assistance of the local machinery which already existed in carrying out the provisions of the Bill, and that the spirit of independence which was spreading throughout the country, and which the discussions of the Manchester Unity, the Foresters, and other societies did so much to promote would raise them up a host of friends and assistants. This feature of local co-operation was, indeed, one of the great recommendations of the course which the Government were pursuing. The Bill itself, he was convinced, would materially aid in the establishment of county societies, and stimulate the efforts that were being made in every quarter of the land to improve such societies as already existed.

SIR CHARLES W. DILKE said: The chief objection that has always been made to the existing relations between the Friendly Societies and the Government is, that the system is "neither the one thing nor the other." That there is a plan of Government registration, which by many persons is very naturally taken to imply solvency; while those who really understand the position of affairs well know that registration does not imply solvency at all. So unsatisfactory from this point of view is the existing state of things, that the right hon. Member for the London University (Mr. Lowe) proposed on behalf of the late Government to abolish regis-

tration. The chief complaint against the present measure is, that it retains, if it does not intensify, this hesitation in the attitude of Government towards the societies. The Chancellor of the Exchequer refuses to abolish registration altogether; but he still proposes that registration should not be compulsory; and under his Bill, while he will worry the great and solvent societies, he will obtain no additional control over the insolvent societies against which he complains. Personally, I see no objection to a small annual outlay by the State for the maintenance of an officer charged with the duty of collecting and diffusing statistical and actuarial information among the societies; but while the great object that should be sought is to get bodies partly of uneducated and partly of poor men, although in part composed of the best of the working classes and small tradesmen, to avail themselves of actuarial science—to force this upon them by Government interference is to make them at once dislike it, and in reality to defeat your own ends. They will make a perfunctory use of the regulations which you obtrude upon them, and when difficulties arise, they will shift the responsibility from off their own shoulders, and cast the entire blame upon the Government and its officials. If you leave them to find out—as the Manchester Unity of Odd Fellows and the Ancient Order of Foresters already have done—the value of actuarial skill for themselves, they will value it in a higher degree, and be less likely to resign the advantages which once they will have conquered. By what means have caution and prudence in the investment of savings been, so far as they have been, instilled into the minds of the richer classes? By experience, taught and brought home to them through the losses of the less intelligent. I do not believe that you will make men more prudent by a system designed to do that which cannot be done—namely, guarantee them against all possible loss. In throwing doubt upon the value of this Bill, I do not wish to attack either the policy of the appointment of the Commission, or the Report, as a whole, which that Commission made. The evidence collected was of enormous value, and the Reports of the Assistant-Commissioners form a text-book of all the learning upon the subject. But a great

The Chancellor of the Exchequer

many of the remarks in the Report of the Commissioners themselves—while they are of value as suggestions to the societies for their self-improvement, are not of use to us for legislative purposes; because they refer to subjects with which the State cannot hope to deal successfully. I venture to believe that the true policy which should guide us is to aid in the diffusion of sound knowledge and information; but to leave the business of seeing that the law is not infringed to the action of the individuals who may be aggrieved in the ordinary Courts of the country. If you wish to go further—if you think that you can point out evils to justify a departure from the ordinary practice of the State—then, I venture to suggest that your action should take the form of a prevention of the creation of new societies with bad rules. This would have the effect of giving a virtual monopoly to the older and more powerful orders. New societies, at the present time, start in country districts by offering to the young an inducement of lower contributions than those of the older societies; and if you can prove that this evil is on the increase, the prevention of the creation of new societies with false rules is the proper way to meet it, and not interference with the old societies that already exist; because you dare not propose as regards the old societies an interference such as would really form a safeguard. You are not prepared to insist on registration; you are not prepared to suppress by force the whole of the unsound societies. You did not propose it even in your first Bill of last year; your second Bill was still further from it; and the third Bill which we have before us now, is still further off from it again. You wish to induce societies to register; but the more restrictions you put upon their financial transactions, the more you force the weak and bad societies—which are the very ones you want to register—away from, and out of, registration; and that is the great blot upon the Commissioners' Report and upon the three Bills. But it is questionable whether the worst of the existing societies cannot be dealt with directly by the existing law. The Commissioners say, page ccii., section 867, that the country swarms with illegal companies, and that of the 10,000 unregistered Friendly Societies, probably 4,000 are setting at defiance

the Life Assurance Companies' Acts. I think it would be found that the majority of the worst societies have incurred heavy penalties under the Act of 1870; but, if not, they would fall under the old Assurance Act, 14 *Geo. III.*, c. 48, and their insurances probably are void at law at the present moment, and might be repudiated. Others—the worst of the dividing societies—are illegal companies, under the 4th section of the Companies' Act of 1862. It is therefore absurd to agitate the country in favour of a stringent friendly societies' law on the ground that in the rural districts, and in parts of the North of England, the poor are swindled by bad societies; when, on the one hand, the Bill which you introduce would not touch the evil in the least, but, on the contrary, by frightening them out of registration, would intensify it; while, on the other hand, it can be contended with at least some show of argument, that the worst of the bad societies have already made themselves obnoxious even to the present law. Mr. Bircham, in his most valuable additional and separate Report—page ccxxi.—points out that societies which persist in not registering—which will increase in number as the law is made more vexatious, will not be touched by any of the registration proposed. Fraudulent and designing managers will purposely keep those bad and feeble societies out of legislation, so as to escape the perils which you put in their way by your new laws. Yet it is the ignorant members of these bad and feeble societies, who are just the people that you want to help, because the strong can take care of themselves. Mr. Bircham having seemingly a prophetic knowledge of what your Bill would be, pointed out that such a measure would mean less power of controlling the societies, which would hold themselves outside the law, and less power to interfere with, or even to inquire into, the affairs of the worst organizations than of the best. That the fears of the harm that you may do by increasing your interference are not mere idle bug-bears, is clear, from the harm which, in similar cases, you have already done. At page xliii, sections 155 and 156, it is shewn that the virtual independence which the former Friendly Societies Acts have conferred on branches has very seriously interfered with the solvency of the great

orders. In the case of the Fireman's Society, one of the branches altered its rates and scale in a wrong direction, and the controlling body, which would otherwise have prevented the change, has, under your legislation, lost its power to do so—the Registrar being legally bound to accept alterations by the branches which he knew to be, and which the society knew to be, financially unsound; and the Registrar now, contrary to his former practice, refuses even to certify a branch rule providing that the rules of the branches shall not be altered without the assent of the general body. You may meet one such case of hardship by this Bill; but where you meet one you create a dozen, which is a fate that always attends Government interference with the affairs of the people. If you must needs interfere, strengthen the old orders, strengthen the head quarters, strengthen the control of the governing bodies over the branches. But, at the present moment, your interference goes in the opposite direction, although the Commissioners can find no words too strong to express their delight at the progress which is being made by the central bodies of the affiliated orders. The Commissioners state—

"That they are increasing not only in magnitude, but also in stability;" that the smaller clubs "are rapidly diminishing under the stress of the competition of the affiliated orders;" "that it is impossible to deny that they may succeed in rectifying their remaining faults, after they have already succeeded in rectifying so many;"—

and in answer to Question 59, the gentleman who has been for 37 years examiner of the rules of Friendly Societies in the Registrar's office, says—

"As regards the Manchester Unity and the Foresters, persons deputed by those orders have drawn up a model set of rules, which guide all their branches, and meet all their requirements. They were submitted to our office some years ago, were examined, and were settled with the secretary of each order. All difficulties are smoothed over, and their rules are now certified almost without alteration,"

and that is without your present Bill. Now, I am aware that the Chancellor of the Exchequer thinks that the great societies are friendly to his Bill. The fact is, that while there is a powerful and active minority among the governing bodies of the great orders, who are opposed to this Bill root and branch, there is a majority favourable to accept-

ing it provided that changes are made in it to which he has said there is no chance that he will agree. To show that I am correctly stating their view, I must quote their words. These are from the speech of the spokesman of the deputation who waited on the Chancellor of the Exchequer—

"As they had grown to their present proportions without help from any Government, it was not unnatural that members should be jealous of any action or over interference on the part of the Government, knowing as they did, that the success as yet attained, has rested with themselves, who for the most part are really working men earning weekly wage . . . they regretted to find in the amended Bill several matters which, if passed into law in their present shape, would inflict upon their societies very serious injury."

It then named a series of points of which only one is touched by the changes that have been since made in the Bill. In the official document which they put out as to the second Bill of last Session, they said—

"The great professed aim of the Bill is to bring all friendly societies within the limits of registry. This is most desirable, but we submit that the Bill defeats its own aim by imposing such regulations and restrictions as must tend to prevent registration on the one hand, and to drive societies already registered to form themselves under the Companies Acts on the other. While the Bill assumes to propound a remedy for certain real or alleged evils, it is marked throughout with the utmost indefiniteness of provisions in detail, leaving its issues to the caprice or experimental regulations of sundry officials specified therein—a course which could not fail to lead to litigation and increased expenditure without efficient result. While the Bill is professedly incompetent as to detail of suitable provisions, it has deputed extreme and almost unlimited powers to the central office, giving in effect the force of an Act of Parliament to any regulations that may be drawn up by such office."

They then go on to speak of the provisions of the Bill as—

"Extreme and impracticable—totally inadequate and unsatisfactory to the societies and to the country at large, and tending to diminish the self-reliance so important to working-men in their own affairs."

Now, that is what the Chancellor of the Exchequer calls the societies supporting his Bill! The Scotch societies, in their Report on this very amended Bill now before us—that is—on the third edition of the Chancellor of the Exchequer's scheme, use language of a similar kind. Yet no one knows better than he does how great are the interests at stake. The measure seriously affects societies

Sir Charles W. Dilke

possessing 4,000,000 of members and £12,000,000 of funds, and that is a measure, which we are not in the House of Commons bound to accept upon the *ipse dixit* of a Minister, even though he does tell us that the societies themselves do not oppose it. Some of the societies believe that if they do not pass this Bill they will be worried more and more, year by year, without end. They think that while it will not do any good, it will not do very much harm—a reason which I think is hardly sufficient for our passing a most complicated measure, and one upon which we possess singularly little knowledge. Bills are often passed with hardly any opposition, which afterwards we regret; and we often in the House of Commons vote for measures—which subsequently we wish we had opposed;—as, for instance, the Licensing Act of the late Government, which we passed without opposition through the House except upon points of detail, although it was a measure at least of doubtful expediency. The famous proviso to which I called attention last year, that registration—

“shall not be taken to imply that the rules of the society, in respect to which the same may be given, are legal, or that the society, is established on a sound basis,”

has been omitted in the new Bill; but, until corrected, I venture to think that the words have been omitted by the draftsman, upon receiving a hint from the Chancellor of the Exchequer, that they revealed too nakedly the impolicy of the Bill, and I would ask whether the omission of the words taken by itself has any significance whatever. I think that when the Chancellor of the Exchequer had once put those words in his Bill, and had so shown his hand, and revealed the weakness of the measure, he might just as well have left them as before this year, and that their omission has no force, and that they were equally understood whether they were there or not. I have also another great ground of objection to this Bill, and it is that it lumps together the great orders, the small friendly societies, the burial clubs, the benevolent societies, workmen's clubs, cattle insurance societies, fishermen's societies for the insurance of boats and nets; whereas the great friendly societies ought, if dealt with by Parliament at all, to be dealt with by a Bill which would apply only to themselves.

I have but one thing to add to my criticism of the Bill, and that is, that those things in it which appear to be good, are, without exception, contained in the existing law—namely, the 18 & 19 *Vict.* c. 63, being an Act to consolidate the law relating to Friendly Societies, as amended by 21 & 22 *Vict.* c. 101, and 23 & 24 *Vict.* c. 58. Those three Acts the Bill repeals and re-enacts, nobody knows why. Probably, for the reason for which most new Acts of Parliament are passed—namely, that a Commission has sat upon the subject, and has made a Report; that a clause has been put into the Queen's Speech promising legislation. We should remember that there is no country in the world which can show anything like our great orders. I, for one, should greatly regret to see Government attempt to undertake that which we already find the people are doing for themselves. We cannot be too careful when we are dealing with great associations affecting the interests of enormous numbers of people, and organizing the greater portion of the tendencies towards providence, and towards brotherly help, which exist among the people of this country. I dare say there are many who will have to deal with this subject who are hardly aware of the numbers and wealth of the great orders—indeed, I may observe that Parliament is, perhaps, less competent to deal with the subject of Friendly Societies than with any that could be brought to its notice. Sir George Young, one of the Assistant-Commissioners, has said—

“Everywhere that I have been I have heard the same story from members of the older or local clubs. We cannot stand against the great orders; wherever they penetrate, the existing clubs at once cease to enter young members, and within half a generation they die out or break up. . . . Of the various orders which have come under my notice, there is none that can be said to occupy a third place with the Manchester Unity of Odd Fellows, and the (London) Ancient Order of Foresters. I have visited no town, and but few large villages, in which a ‘lodge’ or ‘court’ of these orders was not to be found.

. The constitution and character of these societies is well known to the Commissioners. They aim at combining the advantages of local and non-local clubs, their branches being financially independent, as far as the sick pay is concerned, but interdependent within limits of a district, so far as the liability for burial money is concerned; while the districts, again, are independent of each other in all pecuniary relations, but co-operate in sending delegates to a general assembly for legislative purposes, and the whole is kept together by a central execu-

tive, responsible only to the general meeting, and elected by the delegates. This form of benefit club appears to have been first worked out by the Odd Fellows (Manchester Unity), and since it is the undisputed invention of men belonging to the class for whom benefit societies are intended, it is important to point how admirably it is adapted to meet the primary requisitions of a good system of thrift, as thrift is understood by the members of that class in England. I find it to be universal that the first benefit desired by the working man from his club is the weekly provision in case of sickness; the second is with equal unanimity declared to be the sum at death, to clear off standing scores, pay funeral expenses, and assist a widow or children through the first days of bereavement. There is not an equal concurrence of opinion as to the third, but a very considerable number are in practice found to prefer an increase upon the usual burial benefit, to any other. Taking these two to be the primary objects of a benefit club, the chief difficulties encountered in securing them are, in the first case, imposition; in the second, insufficient numbers to form a basis of insurance. The mischief which may be done by imposition and by lax administration, which accompanies it, is best guarded against by confining the sick club to a small area within which the members know each other, and each can watch his neighbour, while the intense personal interest which they naturally take in a fund locally subscribed, ensures that the supervision shall be stricter. A small area may be sufficient to afford a basis for sick pay, while insufficient to ensure burial money, because the payments are smaller in the proportion of shillings to pounds, and are distributed among a larger number of the members. In the case of burial benefits, the risk requires a large area, which is found in the district of the affiliated orders. The sagacity necessary for the guidance of such great societies, as these have become, is sought out by the delegate system and utilized in the central executive, and the general meeting so organized is both an excellent medium for disseminating just ideas throughout the order, upon the questions brought to issue, and also a fair representation of the best opinion current among the members. I purposely abstain from entering into a more particular examination of the system pursued in these societies. But I desire to express a conviction, formed by intercourse with their members in every place I have visited, that their claim to speak in the name of the present generation of working men, so far as concerns the largest section of the most intelligent among them, is well founded; and that their existence and prosperity, founded as it is upon the spontaneous energies and mutual help of individuals, without external initiative, and with but a minimum of Government aid, is in itself a valuable national possession. "Ce qui a fait jusqu'ici le succès de ces sociétés,—succès lent à la vérité comme tout ce qui concerne les masses, c'est la liberté, et cela s'explique."—*Bastiat Harmonies Economiques.*

The Registrars of Friendly Societies have also stated (Question 14,976) that the Foresters and Odd Fellows Societies have a far better system than the

smaller societies; and, if so, that is surely a ground for not dealing with them in the same Bill with burial societies and societies of an inferior type. I want to know what is the result you can hope to obtain by this Bill, in regard to those societies, other than that which you have already obtained without it? But my real objection to the Bill is, that which I have already pointed out, namely—that while it contains stringent and objectionable provisions pressing upon registered societies, it furnishes no particular reasons to induce societies to register; and that in consequence it would be the solvent societies that alone would come under the operation of an Act which is intended to protect persons against the insolvent societies.

MR. EVELYN ASHLEY wished to say, in reply to the challenge of the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), that the Executive Committee of the Ancient Order of Foresters, who had asked him to represent their interests in the House, viewed that Bill with great satisfaction. They considered that it dealt with them most tenderly as one of those great solvent societies which were doing so much good; and that if they were not cumbered and fettered by any further restrictions in Committee, they were perfectly prepared to accept the Bill.

MR. DODSON said, he was disposed to approve of the plan that the Government should prepare and publish tables of mortality, rates of contributions, and other model forms; and he would suggest that there would be an advantage in providing, by a clause in the Bill, that it should be the duty of the Government to prepare such tables, but that the use of them by societies was to be optional. After the very general *consensus* of opinion on the part of the House that the Bill should go forward, he trusted that hon. Members would not be put to the trouble of going to a division.

MR. SALT agreed that, in the main, these great societies were in favour of this Bill; but, at the same time, he had received from a most important body of Friendly Societies an expression in strong terms of their doubts as to the working of several parts of the measure. He would urge that the objections to the Bill should be most carefully considered before going into Committee. The posi-

Sir Charles W. Dilke

tion, functions, duties, and powers of the Registrar, and the definition of what Friendly Societies really were, were points requiring special consideration. But the real point was, whether the Bill really covered one half of the question. It was distinctly shown before the Royal Commission that more than half of the societies were unregistered, and the House ought to know distinctly before it parted with the Bill whether these societies were to be brought under the Companies, Life Insurance, and other existing Acts, or whether they would be dealt with by the Bill.

MR. SERJEANT SIMON confirmed the statement of the hon. Member for Poole (Mr. E. Ashley) with regard to the feeling of the Order of Foresters. He hoped the Chancellor of the Exchequer would not hurry on the consideration of the Bill in Committee.

DR. CAMERON said, that after the general expression of opinion which had been given by the House, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday 11th March*.

BUILDING SOCIETIES ACT (1874)

AMENDMENT BILL—[Bill 72.]

(*Sir Henry Selwin-Ibbetson, Mr. Assheton Cross.*)

SECOND READING.

Order for Second Reading read.

SIR HENRY SELWIN-IBBETSON, in moving that the Bill be now read a second time, explained the reasons which had induced the Government to bring in an Amendment Bill to an Act which had been passed last Session. It was found that an error had inadvertently occurred in the passing of that Act in "another place." There had been an understanding between the different building societies and the Government that the Bill should be of a permissive character; but by the inadvertent placing of a sentence, a compulsory nature was given to it, thus entirely altering the terms on which the Building Societies had accepted the measure. The matter had been brought under the notice of his right hon. Friend the Home Secretary, and the Bill which he placed on the Table was entirely limited to the correction of the error.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Henry Selwin-Ibbetson.*)

Motion *agreed to*.

Bill read a second time, and *committed for Thursday next*.

POLICE MAGISTRATES [SALARIES].

Resolution [February 23] *reported*;

"That it is expedient to authorise the payment, out of the Consolidated Fund, of increased Salaries to the Magistrates of the Police Courts in the Metropolis."

Resolution *agreed to*.

SIR HENRY SELWIN-IBBETSON moved for leave to introduce a Bill, to make further provision with respect to the salaries of the magistrates of the police Courts in the Metropolitan Police District, founded on the Resolution of the House. As far back as 1838 a Select Committee reported in favour of increasing the salaries of the police magistrates, and in the following year the Act of 2 & 3 Vict. c. 17 fixed those salaries at £1,200. In 1855, the salary of the chief magistrate was increased to £1,500. As, however, the magistrates were inadequately paid as compared with the County Court Judges and some of the Registrars, and as their duties had been multiplied by numerous statutes passed since the latter date, the Government were of opinion that the time had now arrived when their salaries should be further increased.

Motion *agreed to*.

Bill *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON, Mr. Secretary CROSS, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 75.]

EXPLOSIVE SUBSTANCES BILL.

RESOLUTION. FIRST READING.

Considered in Committee.

(In the Committee.)

MR. ASSHETON CROSS, in rising to move, that the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-Glycerine, and other Explosive Substances, said, the subject was brought before the late Government before the great explosion of last year, and

one of the first acts of the present Government was to appoint a Committee to consider the whole of the circumstances relating to Explosive Substances, and they eventually produced a Report which he believed to be a most satisfactory one, and on that Report the present Bill was for the most part based. It was a Consolidating Bill, and it proposed to repeal all other public Acts relating to explosive substances, so that all the law on the subject might be contained within the four corners of the Bill. It would consist of four parts. The first would deal with the manufacture, storage, and carriage of gunpowder, and would contain all the main provisions and safeguards hitherto contained in regulations only. Part 2 would deal with nitroglycerine and other explosive substances of an equally dangerous character, the regulations respecting which, instead of being contained in the Bill, would be left to a great extent to the Secretary of State. Part 3 related to administration and the power of inspection, and Part 4 to the legal proceedings incident to the carrying out of the Act. In legislating with regard to gunpowder, they had to deal with the manufacturer and the man who kept a large store magazine; next, with persons, like mine-owners, who used large quantities of powder for the purpose of their business, and kept what might be called consumers' stores. Then came the retail dealer, who was at present almost without legislation. As to the place of manufacture and the large store magazine, the licensing would be left as at present with the Petty Sessions in counties and the local authorities in other cases, subject, in case of refusal, to an appeal to the Secretary of State for the Home Department. One change was made in the law. At present it was found that local authorities were sometimes either too lenient or too strict in granting licences. They were generally country gentlemen. They did their duty to the best of their ability, but had no real knowledge of the dangers to be apprehended, and the best way of preventing them. Following, therefore, the recommendations of the Committee, the Bill provided that before a man applied for a licence he should submit his plans to the inspection of the Secretary of State, who would pronounce whether, in his opinion, considering the nature of the site

and other circumstances, the plan proposed was a safe one. Even if his Report was favourable, the local authority would still be able to refuse the licence, having regard to present or future buildings around the proposed site. Such a decision, however, would, as at present, be subject to appeal to the Secretary of State. General rules were provided in part 1 for the safety of the public in the manufacture and storage of gunpowder, and persons carrying on this business would be required to make special rules for the regulation of their workmen. In the case of existing factories, application must be made to the Secretary of State for continuing licences, in order that he might know where the factory was; but there would be no alteration in the terms of the licence, and the proprietors would, so far, be in exactly the same position as at present. Then, with regard to consumers' stores, regulations would be laid down by means of which upon licence from the local authorities, consumers would be able to keep from 2 cwt. up to two tons. The Bill dealt with retailers on still easier terms. The Government had no wish to put them under any unnecessary restrictions, but it was right that persons who dealt with these dangerous substances should be known, and therefore they would be called upon to get themselves registered by the local authorities. That could be done on payment of nominal fees, sufficient to keep the machinery of registration going. By this means it would always be known where powder was. This dealt with dealers who were allowed to have up to 200 lb. of powder on their premises at one time, the amount being regulated according to the conditions of storage. Those who kept powder only for their own use, provided it did not amount to over 30 lbs, need not register themselves. Gunmakers would be allowed to have a larger stock of powder in cartridges than was permitted at present. Certain provisions had been inserted in order that gunpowder might be safely carried. It would be absolutely impossible to lay down in a Bill positive rules and regulations for the carriage of gunpowder under every possible circumstance. It was, therefore, thought better to enact that bye-laws should be made for the purpose; but, then, those bye-laws would

Mr. Ascheton Cross

not be left totally "at large," but what their scope should be would be indicated in the Bill. The second part of the Bill related entirely to all other explosives. It adopted to a great extent the machinery for licences in the first part of the Bill; but, instead of laying down specific rules, it left to the Secretary of State a wide discretion in the matter. There were a great many explosives which did not require to be so stringently dealt with as nitro-glycerine, and suitable regulations and relaxations with regard to them would be found in this part of the measure. The third part of the Bill dealt simply with the administration of the law, or, in other words, with the power of inspection. There would be Government Inspectors who would have certain powers of entry, and there were clauses in the Bill as to their making reports and inquiries in cases of accident. It was made incumbent on the local authorities to see that the provisions of the Act were enforced within their jurisdiction, but they would not have power to enter the large factories. The fourth part related simply to legal procedure for the purpose of putting the Act into force, and gave larger powers to owners of factories and great magazines to eject, if necessary by force, anyone doing anything likely to cause danger of fire or explosion. These were the main features of the Bill. It was now in print, and in a few days would be in the hands of Members. What he would propose was to take the second reading some time before Easter than to allow the Bill to rest until after the holidays, in order that persons interested in the trade might have a full opportunity of becoming acquainted with its clauses and of making their views on the subject known to the Government.

MR. WHITWELL approved of the mode in which the Bill was drafted. He hoped, however, that, should the Government Inspector refuse to licence any works, his decision should not be considered final, as such a provision might be made a hindrance of trade. He hoped, too, that the rules relating to the transport of gunpowder would not be made too restrictive.

In reply to Mr. GRIEVE,

MR. ASSHETON CROSS stated that the Bill would apply to Scotland.

MR. M'LAGAN inquired whether the Bill dealt with petroleum?

MR. ASSHETON CROSS said, it did not, but that he intended to propose the continuance, for perhaps two years, of an expiring Act relating to petroleum.

Motion agreed to.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-Glycerine, and other Explosive Substances.

Resolution reported : — Bill ordered to be brought in by Mr. Secretary CROSS, Sir HENRY SELWIN-IBRETON, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 76.]

MOUNTJOY FEMALE PRISON.

MOTION FOR PAPERS.

MR. SULLIVAN moved for—

"Copies of any Charge or Complaint, if any, preferred against Mrs. Ellen Richardson, Deputy Matron of Mountjoy Female Prison, in reference to the circumstances stated by the Chief Secretary for Ireland to have been the reasons for removing her from the public service; of any Evidence taken at any investigation, if any was held, into the justice of any such charge or complaint against her; and, of any Correspondence on the subject between Mrs. Richardson and the Chief Secretary or Captain Barlow, or between the Chief Secretary and Captain Barlow."

The hon. Member said, he had reason to believe that Mrs. Richardson had been dismissed without fault or investigation, and he contended that the circumstances had a public as well as a personal interest, inasmuch as they afforded an illustration of the evil of leaving these persons under a despotic authority which acted without the check of public criticism.

Motion made, and Question proposed,

"That there be laid before this House, Copies of any Charge or Complaint, if any, preferred against Mrs. Ellen Richardson, Deputy Matron of Mountjoy Female Prison, in reference to the circumstances stated by the Chief Secretary for Ireland to have been the reasons for removing her from the public service :

"Of any Evidence taken at any investigation, if any was held, into the justice of any such charge or complaint against her :

"And, of any Correspondence on the subject between Mrs. Richardson and the Chief Secretary or Captain Barlow, or between the Chief Secretary and Captain Barlow."—(Mr. Sullivan.)

SIR MICHAEL HICKS - BEACH said, he thought it could be shown that

it was necessary to have the convict prisons of Ireland under a central authority, and that that authority had been exercised with good judgment and discretion. He could not agree to the Return for which the hon. Member moved, because it was unusual to print Minutes passing between two officials in the public service which were more or less of a confidential character, and as to the remainder of the correspondence, it consisted of little more than Mrs. Richardson's own letters. In September last an outbreak occurred in the prison of such a character as to show that the discipline had been lax, and for the circumstances that had led to this state of things Mrs. Richardson had been held to be in great measure blameable. Her duty was mainly to superintend the conduct of other prison officers; yet for the last 10 years only in one single instance had she reported any neglect of duty, though the state of the prison in September showed how much cause there must have been for such reports to be made. The Report from Captain Barlow was to the effect that the prison could not be properly worked while she held her office. It was true there was a medical inquiry into her health, not to call upon her to resign on account of ill health, but to ascertain whether her failure to perform her duty was, in any degree, due to this cause; and in consequence of her long services and personal character, he intended to recommend her for a moderate pension.

MR. MELDON recommended that the Motion should be withdrawn and the matter left in the hands of the Chief Secretary.

Motion, by leave, *withdrawn*.

House adjourned at a quarter
after Twelve o'clock.

HOUSE OF LORDS,

Friday, 26th February, 1875.

MINUTES.]—PUBLIC BILL—*Second Reading*—
Patents for Inventions (15).

Sir Michael Hicks-Beach

PATENTS FOR INVENTIONS BILL.

(*The Lord Chancellor.*)

(NO. 15.) SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

EARL GRANVILLE: My Lords, this is a question in the discussion of which, I believe, no party feeling can enter. I may at once announce that it is not my intention to vote against the second reading of the Bill; but on several grounds I would venture to follow up the suggestion I made when the noble and learned Lord laid the Bill upon the Table, and ask him to consent to its being sent to a Select Committee upstairs. I feel that I can make this request with the less difficulty, because the same appeal was made to myself when, as Vice President of the Board of Trade, some 24 years ago, I introduced a Bill on the subject of the Patent Laws. In bringing the measure now before the House under our Lordships' notice, on occasion of the first reading of the Bill now before your Lordships, the noble and learned Lord on the Woolsack treated the subject in an exhaustive manner. He gave your Lordships the entire history of the Patent Laws, and in doing so pointed out that those laws originated in no enactment of the Legislature, but had their origin in a monopoly which was excepted from the general repeal of monopolies effected by the statute passed in the reign of James I. I think, my Lords, it is clear that when patents were first granted they were granted not so much in the interest of inventors as a revenue to persons favoured by the Sovereign, who were the sole possessors of patents at that time. I think it further appears that the Patent Laws in continental countries were not of that restrictive character which they are now; because in those times the exercise of trades in the ordinary way was not permitted to any persons but the members of guilds; but patents gave persons not in guilds the right of manufacturing articles to which the patents applied. My Lords, we have heard much about the property a man has in his invention. I think the noble and learned Lord on the Woolsack fully disposed of that. As the noble and

learned Lord showed, it is impossible to limit a man's right in property. If it is property in the usual sense, it ought not to be limited—a man has a right to use his own invention; but it is a different thing to assume that he may prevent anyone else using it. The fallacy about an invention being also property was also clearly demonstrated by my noble and learned Friend behind me (Lord Selborne), in a speech made by him in the House of Commons some seven years ago. It has been given in evidence that this is the principle which has been laid down in decisions of the Courts, and I observe that Mr. Bramwell, the ablest defender of patent rights, although he does not distinctly abandon the ground of property, entirely lays it aside as the basis of his argument. Now, my Lords, the evidence taken on the subject of the Patent Laws and a careful consideration of the whole question have led me to the conclusion that Patent Laws are a mistake, and that their entire abolition would be not only for the benefit of the public at large, but for that of the class in whose interests they are usually advocated—I mean the inventors themselves. Before proceeding to state some of the reasons which have influenced me in coming to this conclusion, perhaps your Lordships will allow me to refer to another mistake made by some of those who are in favour of patents. They ask, what is the difference between authorship and invention, and what is the difference between allowing a patent for an invention and allowing copyright for a book? Well, my Lords, there is an obvious answer to this—indeed, all the arguments that can be put forward in favour of a patent for an invention may be urged with at least equal force in favour of copyright for authorship; while the latter is open to none of the objections which tell forcibly against the former. A man—let me say my noble Friend (Lord Stanhope), who is not now in the House—writes a book. The authorship cannot be contested, and it is admitted to be impossible to allege that anyone else is the author of the book. Well, it is true that no one else may publish that book; but there is not an idea nor an argument in it that any other writer may not adopt and make use of in his own writings. My attention was first drawn to this subject in a conversation with one of the ablest, most fertile, and

boldest inventors I ever knew—the late Mr. Brunel. He told me what he afterwards stated before a Committee of your Lordships' House, how much he had been connected with patents. How he had for a long time resolved to have nothing to do with them. How they interfered daily with improvements which he saw might be advantageously adopted in the plant and machinery of a railway; how injurious they were to workmen as well as to their employers. I subsequently had an opportunity of learning the opinions of the late Sir William Cubitt, who had been a working man himself, and who was one of the most prudent and cautious persons I ever met. Well, Mr. Brunel agreed with Sir William Cubitt in the opinion that the Patent Laws were not to the advantage of either inventors or the community. I am aware that opinion is much divided on this subject; that it has been much discussed; and that, by high authorities who differ on the point, much argument has been brought forward on both sides. I can assure your Lordships that in anything I may say on the subject I am in no way influenced by hostility to inventors. Half the arguments of those who uphold patent rights are simply in favour of inventions, and they treat the opponents of patent rights as if they were all of the same opinion as an old official at the Admiralty, who said to Mr. Sydney Herbert soon after his entrance into the office—"Sir, I was sorry to see you speak to that man, he is an inventor, and it is not for the first time, he invented something last year." Now, no one honours them more than I do, I do not believe that any others—whether statesmen, warriors, or poets, or artists—have done so much to benefit the human race as inventors, and therefore I, for one, should not be disposed to deprive them of any share of the advantage which they ought to derive from their inventions; but the question is whether the present system—I speak of the Patent Laws—is of any real advantage to them. I do not believe it is; nor do I think it is of any benefit to the community. There are, of course, some persons to whom it is of advantage. It is of advantage to lawyers whose practice is connected with patents; to scientific men who advise patentees, and who give evidence on Patent trials; to patent agents and patent-mongers; and also to

with patents, he must have been somewhat biased in their favour. My Lords, in confirmation of what I have said as to the change which came over the minds of the Commissioners, I will quote one passage from the Report—

“The changes suggested will do something to mitigate the inconvenience now generally complained of by the public as incident to the working of a Patent Law. It is their opinion that these inconveniences cannot be wholly removed. They are, in their belief, inherent in the nature of a Patent Law, and must be considered as the price which the public consents to pay for the existence of such a law.”

My Lords, I am of opinion that there are evils “inherent in the nature of the Patent Law” which no legislation but legislation to abolish patents will succeed in removing; but having said that, I must not be understood as complaining of the noble and learned Lord on the Woolsack for having introduced this Bill. I do not complain that the noble and learned Lord does not propose the total abolition of the Patent Laws—because I am ready to admit that I do believe public opinion is not yet ripe for such a measure. At the same time, I think public opinion has been a little manufactured on this subject by able men—men very popular and of great attainments—who have got hold of the mind of the public. At all events, I do not think the public mind is ripe for the total abolition of the Patent Laws, and it would not be right of the Government to run counter to that opinion. Well, then, not being in a position for that reason to propose the total abolition of patents, the noble and learned Lord is quite right to introduce some amendment; but it gave me some satisfaction to hear the noble and learned Lord say on a former occasion that, in his opinion, ‘those laws must come to an end; and that satisfaction has been considerably increased by the opinion expressed to me to-day by a gentleman much in favour of patent rights, who said that if the Lord Chancellor’s Bill was passed, the whole thing would be smashed in two years. I am glad, my Lords, that public opinion is coming. I think it desirable that this Bill should go to a Committee—either a Select Committee or a Committee of the Whole House. A great many objections have been taken to its provisions. In some

of those I agree, from others I entirely differ; but, having regard to the questions involved in the measure being questions on which there is so much difference of opinion, nothing could be worse than to pass the measure without a full consideration of all the objections that are urged against it. Both those who oppose the Patent Laws, and those who are in their favour, should endeavour to make this Bill as perfect as possible. I am rather in favour of the preliminary examination of patents proposed by the noble and learned Lord, and I think the Royal Commission was in favour of such an examination; but even after the lucid explanation of the noble and learned Lord on the occasion of the introduction of the Bill, I am not quite clear as to what is to be done. I understood the noble and learned Lord, in answer to the noble Duke (the Duke of Somerset), to say that the Examiners will not have the power to report against an invention on the question of utility. I think that is quite right; because, after all, experience is the only test of utility, and we know how mistaken some of the most scientific men have been as to what was practical in mechanical construction. The noble Lord on the Woolsack said that Sir Humphrey Davy would have reported against lighting our streets with gas. We know that Dr. Lardner proved it was impossible that any steamship could cross the Atlantic Ocean. When on the Commission for the Exhibition of 1851, and when we had got over our great difficulty by the suggestion of Sir Joseph Paxton for the building, for which, by-the-by, he never took out a patent, I remember reading a letter from Professor Airey, in *The Times*. In that letter, that distinguished man proved that the exhibition building could not stand against the several gales which might be expected during the year. He gave his calculations as to the average force of these gales, and as to the power of the building to resist such a force, and he proved mathematically that the latter was insufficient. I dressed as quick as I could, and jumped into a Hansom. I found Mr. Brunel. “Have you read Professor Airey’s letter?”—“Yes.” “Have you gone through his calculations?”—“Yes.” “They are all wrong?”—“No, they are all right; but he proves too much. If he is right, your house, my house, and all the houses in

Earl Granville

London must come down four times a-year." Then, if the granting of a patent depended on the inventor being able to convince the Examiners of the utility of his invention, what would the inventor of the electric telegraph have to say? Why, I should say, that by means of a wire, he proposed to make messages travel at a rate faster than the wind. The Examiners might be incredulous, and report against his invention, if they were allowed to go into the question of utility. There is some ambiguity in the provision relating to frivolous inventions, and I have some doubt as to the propriety of enlarging the Patent Commission by the addition of five unpaid Commissioners. The experience we have had of the working of permanent unpaid Commissioners is not encouraging. I think the three or four Examiners will be the wheels on which the coach will run; and I am afraid that there is danger in the unlimited panel of Referees by whom the Examiners are to be assisted. Those Referees are to be gentlemen of scientific and technical knowledge, and, however honourable they may be, it will be difficult to make certain that they are unprejudiced in their views, and not interested in trades or manufactures to which patents coming before them are proposed to be applied. I think that, in order to render the inherent vice in the Patent Laws as innocuous as possible, it is quite right that there should be a system of licences. It is monstrous that a man with a patent should be allowed a monopoly of it for 14 years, no one else being permitted to use it even on payment to the patentee. I also entirely approve of the prevention of a person getting a patent for an invention which is not his, but which, in these times of easy communication, he has brought from some foreign country. My Lords, there are several matters in this Bill which can be more properly dealt with in Committee, and which, I think, could be dealt with best by a Select Committee. I regret to think this cannot be a final settlement of this great question; but as I have admitted that the noble and learned Lord would scarcely be supported by public opinion if he were now to propose the total abolition of the Patent Laws, I trust I shall not be deemed inconsistent if, having made a speech against those laws, I an-

nounce my intention of voting for the second reading of this Bill.

LORD BELPER said, much as he admired the ability with which the noble Earl had explained his views, he hoped that they would not be adopted by their Lordships. He entirely agreed with the noble Earl that an inventor possessed no natural or original right to a monopoly of his invention, and that the existence of patents could be defended only on the ground of public utility. Patents were the creation of the law, and the question to be decided was, whether they should secure to an inventor for a limited period the property in his own invention. He thought it was scarcely possible for anyone to read through the lives of the eminent inventors of this country without perceiving the great encouragement which the Patent Laws had given to those men, and how much those laws contributed to the success of their inventions. He would take only two instances—those of Watt, the inventor of the steam-engine, and Arkwright, the inventor of the spinning machinery. Both these illustrious men were at one period of their lives in a state of poverty; but they were men of great perseverance and genius, and they struggled on through their difficulties. But what had given them encouragement? The object they had in view was to obtain a patent; they knew that if they could effect that they were sure of assistance from capitalists to enable them to carry out their inventions. It must be remembered that if there were no patents, capitalists would be very reluctant to invest money in inventions, however good; but when the working of an invention was secured for a limited time, that was something to induce men of money to come forward and assist poor inventors. Therefore, a patent was a thing of great value in itself—it was something tangible in reference to which patentees could ask for the assistance of capitalists, and the question was, whether inventors would care to perfect their inventions, and bring them before the public, if they were not thus to have the benefit of their discoveries. He did not think the enormous number of useless patents taken out had any real bearing on the question of the utility of patents when he could point to such remarkable instances of their public utility

as those which he had cited. No doubt, under the patent system, monopolies were granted for a certain time; but generally the monopoly was not an absolute one, because, in almost all cases, it would be for the benefit of the inventor to allow licences for a term to other persons to carry on the trade under the patent. In that way the public were not prohibited from having the benefit of the patent. Their Lordships would also remember that it was a condition to the granting of a patent that the invention should be made clear, and the description be such as that any one could work it from the description—so that, at the proper time, all other persons might avail themselves of the invention. Suppose there was no Patent Law, and that some ingenious man invented an improvement—say in some machinery. His great object would be to conceal it from the world; and, in practice, it might be concealed, in some cases, for even a longer period than the duration of a patent. It would be very injurious to the community to have a man endeavouring to secure an advantage to himself by keeping an invention from all other persons engaged in the same trade. On the other hand, several of those persons would be endeavouring, by bribing workmen in his employment and other such means, to discover his secret. I put it to your Lordships whether, under these circumstances, it is not more for the public advantage that inventors should enjoy the protection of patents. There was another point—the question whether patents should be extended beyond the period for which they were granted. As he understood, at present, if the invention was one of great importance, and if in the opinion of the Judicial Committee of the Privy Council the inventor had not been sufficiently rewarded in the 14 years, the Committee could extend the patent; but by the Bill the period of 14 years was not to be extended; and he must express his opinion that the arguments of the noble and learned Lord on the Woolsack were so cogent against those extensions, that though they might be desirable in some cases, he concurred with the noble and learned Lord that they should be put an end to. He spoke with great diffidence on the subject of the Patent Laws, because he was aware of the difficulties attending

it, but he hoped the present measure would meet with the approbation of their Lordships.

LORD HATHERLEY said, that perhaps he ought to apologize for trespassing on the attention of the House in that discussion, and might be asked what he had to do with patents? But so long ago as 1851 he had, with his lamented Friend (Lord Romilly), and afterwards with the present Lord Chief Justice, to assist in the preparation, and in the passing, of a Bill through the House of Commons for the amendment of the Patent Law. The Bill of that year came up to their Lordships' House too late, but next year became, with few exceptions, the law now in force. He had since that time served on the Patent Law Commission, and he had also been for a period of 15 years a Judge of First Instance in Chancery, and he thought that he had had a full share of patent cases brought before him. Therefore, it might not be amiss if he offered a few observations on the subject. Concurring in the speech of the noble Earl (Earl Granville), he would content himself with mentioning a few of the difficulties of the present law, and why he thought patents worked injuriously to the public. At the present time inventions so rapidly succeeded one another, and advanced so entirely step by step, that it often happened there was no high degree of merit to be ascribed to the inventor, who, perhaps, by one small step had succeeded in completing the invention of a machine. Many men's minds were directed to the same subject, and it sometimes happened that two men invented the same thing almost at the same time; and in such cases the man who was really the later inventor of the two might chance to be the better acquainted with the mode of obtaining a patent, and might thus be able to shut out the other from the benefit of his invention. Take, for instance, the case of the invention of achromatic glasses as applied to lenses, for which a patent was taken out by a Mr. Dollond. Well, it was found on inquiry that a quiet country clergyman—a Mr. Hall—had invented it a year or two before the patentee, and had satisfied himself with the amusement it afforded him, without making it public in any way. By the Patent Laws, Mr. Hall would be shut out for 14 years from using his own glass. There was a case

of patent wheels for carts. A firm exported largely to the Continent only a cart-wheel of peculiar construction without having a patent for it; and on another inventor subsequently patenting it, a Court of Law decided that the patent was valid, and the firm in question was greatly prejudiced in its natural rights by that fact. Those cases showed one form of inconvenience which resulted from the present system of granting patents. Another evil of the system was that patents were sometimes taken out or bought up with the simple object of preventing the use of the inventions. Persons said—"It will pay us to buy up this invention, and so keep others from using it, merely that we may be able ourselves to go on in the old jog-trot way." That had been done with regard to an invention connected with the manufacture of carpets, and with another of candles—he would not mention the names, but the case came under his cognizance in his own Court. The interference of the Patent Laws with the interests of the country had been experienced in a singular degree by the Admiralty when a ship was about to be built. In a case which had come before the Patent Laws Commissioners, a gentleman from the Admiralty said, if he remembered right, that, in connection with the construction of a certain man-of-war, as many as 17 distinct intimations were received that the plans involved infringements of patents. This case induced the Government to bring the question before the Law Courts, and it was held that the Crown was not bound by the grant of patents. The multiplicity of very small inventions, all of them patented, was the cause of a great deal of inconvenience to the public, and the risks a manufacturer had to run in using a new machine were very serious; for unless he was prepared to run the gauntlet of actions by patentees, with all their counsel at their backs, he must suffer great inconvenience. A little joint here, a little fastening there, might involve an infringement of a patent. This state of things tended greatly to discourage invention. When a man really invented something of great utility, from which he might fairly expect to derive a considerable profit, it usually happened that from the moment he made it public he was resisted to the utmost, and had to fight his way

from Court to Court—from the Court of Law to the Court of Chancery, and perhaps from the Court of Chancery back to the Court of Law and a jury—and then, perhaps, a new trial was ordered, and so on through a whole series of vexations. The following was a very remarkable instance of the injustice that might be done to an inventor under our present system of Patent Laws. A very ingenious gentleman, who possessed considerable inventive talent, discovered an invention by which mills might be worked so as to avoid the inconvenience occasioned by the floating dust—an invention which was, of course, of great advantage to the health of the factory hands. The invention was found to be so useful that every mill-owner wished to employ it in his mill. But what did the mill-owners do? They held meetings among themselves, and they formed themselves into two unions, one in London and the other in Manchester, for the purpose of resisting the rights of the patentee, and then of sharing the profits so obtained between them. They all by one consent infringed the patent, and the patentee was compelled to file 50 Bills against different members of those associations. The result was, that the unhappy inventor became bankrupt, and died before he realized a single penny from his invention. There was another curious case in which a patentee was eventually successful, but not until after long years of litigation. The inventor was a Mr. Betts, and his patent was for making metallic capsules from tin and lead rolled together for bottles containing effervescing liquids. The patent was found to be a very useful one; whereupon a large manufactory for making the capsules was established in Belgium, and numbers of casks of the article were sent over to this country. Mr. Betts having taken proceedings against the persons who were thus infringing his patent, the case went into every conceivable Court, and ultimately it found its way into the House of Lords. When the case was tried at the Assizes everything was going in favour of the patentee, when a very dramatic incident occurred. An attempt had been made to set up an old patent taken out some 40 or 50 years previously against the new patent; but it was on the point of failing for want of proof that anything had ever been made under the former pa-

tent, when a man who was in the gallery of the Court asked what the matter was, and on being told, exclaimed that he had been in the service of the original patentee, and that he was in a condition to prove that the patent had been actually worked. Upon this he was handed down the stairs and into the Court, where, having had some conference with the counsel for the defendants, he was put into the box, and gave such evidence as induced the jury to return their verdict against Mr. Betts, on the ground that his patent was not new. The case coming before him (Lord Hatherley) subsequently, he entertained some suspicion of the *bond fides* of the evidence which had come to light in this singular way, and consequently he directed that the case should be sent down for trial again. The result was that on the occasion of the second trial this man was not to be found, and it turned out that his statement was a pure fiction invented for the occasion; and eventually the validity of the patent was finally established by their Lordships' House. Some time afterwards, Mr. Betts not having taken a patent out for Scotland, it was found that a Scotch brewer, who was using capsules not made by Mr. Betts, was sending his beer in bottles secured by such capsules to one of our seaports for shipment abroad; and application being made to him, he (Lord Hatherley) was compelled to grant an injunction to prevent the beer being shipped—and thus it remained for a considerable time in this country, being preserved by the very patent which the Scotch brewer sought to evade. He was sorry that he had detained their Lordships at such great length upon this subject; but his excuse must be that he felt the almost insuperable difficulty there was in the way of making these Patent Laws work for the real benefit of the public. The present Bill was undoubtedly a very good attempt to make the best of the matter; but while he should throw no obstacle in the way of the second reading of the Bill, he hoped that the noble and learned Lord would consent to its being referred to a Select Committee.

THE DUKE OF SOMERSET said, he strongly objected to the proposal in the Bill for placing such great power in the hands of Referees and Examiners. It was almost impossible that they could determine in a manner satisfactory to

the public whether an invention was novel or frivolous or not. The Bill then went on to propose that when the inventions had passed the scrutiny of the Referees and Examiners, they should go before the Law Officers of the Crown. But what was the use of sending them before the Law Officers, who would have no time to examine the inventions, while the merely passing them would necessarily be regarded by the public as an incontestable certificate of the great value of the inventions? Now, he believed that 90 patents out of every 100 would be found worthless if they were attacked, and therefore it would be deluding the public to send them all forth as bearing the stamp of having received the approval of the Law Officers of the Crown. He was most anxious that this subject should be referred to a Select Committee. There was one point of particular importance to which no reference had as yet been made, and that was with regard to inventions made in the War Departments. It very often happened that an officer in the Department at Woolwich made an invention, and then the question arose with regard to the course that the War Office should take. If the inventor did not patent the invention, somebody else would do so, and then a difficulty might arise as to the right to use it; while, on the other hand, it was very objectionable to allow an officer to take out a patent for a discovery which he had made with the means and the assistance of the Government. It would be very objectionable to allow these public officers to take out patents; but in such cases, no other persons ought to be allowed to do so. He trusted that before this Bill was passed it would be referred to a Select Committee, so that it might be ascertained whether it was really an improvement upon the existing law.

LORD SELBORNE said, that having fully expressed his opinions upon this subject in his evidence given before a Select Committee of the House of Commons, and also in his speech addressed to the House of Commons on a former occasion, he would not trouble their Lordships at the present moment with more than a very few observations. The opinions he then expressed still remained unaltered. From his own experience he feared that the obstructive operation of the Patent Laws in respect

Lord Hatherley

of the arts, trade, and commerce would not be sensibly lessened by the improved machinery or investigation proposed by the present Bill. He would ask his noble Friend (Lord Belper) who had spoken in favour of the Patent Laws, to consider the nature of the bargain which the public made, and the price which they had to pay by reason of the Laws. He concurred with what his noble Friend had said as to the great number of patents which were granted and the small number of valuable inventions they included. But it must not be supposed that the patents, which were not valuable, were therefore unimportant. Bad patents presented many obstructions to the avenues and approaches to new points of departure and improvements in the arts of manufactures and commerce, and operated as most serious difficulties and discouragements in the way of persons who were inclined, and had the ability, to make really valuable improvements. That fact was forcibly pointed out in the Report of 1864, from which his noble and learned Friend on the Woolsack had read extracts, which he could not but think was deserving of the utmost consideration—particularly when it was remembered that the Commissioners included his noble and learned Friend on the Woolsack, his noble and learned Friend behind him (Lord Hatherley), Lord Chief Justice Erle, Mr. Justice Grove—who of all lawyers and scientific men living had the most complete knowledge of the subject—the present Secretary of State for Foreign Affairs, Lord Overstone, and Mr. Forster. They spoke in their Report of those obstructions as being most serious in their operation. There was one passage in the evidence of Sir Spencer Robinson to which he could not help alluding. The inconvenience, he said, was so great that it was scarcely possible to build a ship of wood and iron without treading upon somebody's patent. He was entirely, he added, of opinion that many patents were drawn up for the special purpose not of being worked for the benefit of the public, but in order that the patentees might lie in wait until they could enforce claims against some public Department. The evidence from the War Office was very much to the same effect; and it could not be doubted if the truth were known, that the experience of private traders

and manufacturers, in their own branches of the arts, must very frequently be the same. The price, therefore, which the public really had to pay for the few valuable inventions, was the whole amount of the obstruction and inconvenience and expense occasioned by the aggregate of the entire number of patents granted under the Patent Law system. He wished also to point out this which often occurred—that if an invention were useful, during the 14 years, and sometimes in the latter part of that period, the patentee invented some further improvement upon it; and then before the expiring of the original patent took out a patent for a fresh period of 14 years for that improvement; and in that way they, in effect, prevented the use of the original patent and thus prolonged their enjoyment of their original monopoly *ad infinitum*. The price which the public paid for valuable inventions was indefinitely increased by the obstructive operation of worthless patents.

VISCOUNT CARDWELL said, he was one of those who asked for further inquiry before they passed this Bill into law. He understood that within the last two months a decision had been pronounced which would have a material effect upon the War and Admiralty Departments. It was established in the case which had been so often referred to, that the Crown was not bound to pay for the use of patented inventions. But by the recent case while the Crown was not so liable in respect of manufactures it directly carried on, it had been held to be bound to pay in respect of manufactures which it conducted through the medium of contractors. Now, in his opinion, it was most important, as a question of public policy, that the Crown should not manufacture everything for itself, but that it should have recourse to some extent to the great manufacturing establishments of the country for its supplies. If they did not, in time of war they would have their own establishments only to depend upon, and they might prove wholly inadequate to the strain upon them. It was necessary, therefore, that the great manufacturing houses of the country should be in a position promptly to supply what the Government might require. Now, these private manufacturing establishments would not be in that position if, in ordinary times, they were liable to payments from which the Govern-

ment establishments were exempt; and the Government would be unwilling to ask the House of Commons to purchase, say, Henri-Martini rifles for a higher price than they could manufacture them at Enfield. That was a subject well worthy of consideration during the progress of the Bill. But he was very well satisfied with the Bill. He liked it for what it undid, as well as for what it did. What it undid was to put an end to the present system of patents, injurious as it had proved itself to be to the inventor, to the public, and to the manufacturing interests of the country; and what it did was to establish in its place a system which he ventured to say would soon perish, and they would then arrive, through the instrumentality of the Bill, at the object he desired to see attained—the abolition of the system altogether. He ventured to say that the system proposed to be established by this Bill was one that could not last. They were to have under the Bill a system of examinations. Such a system was provided in a former Bill in 1852; but ever since it had been a dead letter. He saw by a Report on the Table that in France, and the other countries of Europe generally, the system of examination did not exist. In America it did exist, and there they had innumerable patents—patents for things so frivolous and contemptible, that it was a matter of surprise that the idea of such inventions should have entered into any man's head. An American gentleman was examined before the Committee of the House of Commons. He was examined upon some of the patents which had been recently granted in America. One was a spittoon, and this, he said, was considered a subject of considerable importance in the United States. A patent was granted also for a bit of sandpaper placed in a hat for the purpose of striking a light for a cigar. Another patent was taken out for a piece of india-rubber placed at the end of a pencil, to enable a person to rub out what he had just written. The American gentleman was asked whether he did not consider that to be a frivolous invention?—and he replied that it was no more frivolous than were the inventions of Sir Isaac Newton. In Germany, on the other hand, scarcely any patents were granted. In one year the number amounted to only 31, and

Viscount Cardwell

two of these were for machines for making sticking-plaster; while a patent was refused to Mr. Bessemer. Such had been the result of examination in this and other countries. He feared that the system of examination provided under the Bill would not in practice be found to work satisfactorily. Many years ago monopoly used to be given in another form: there existed a system of what was called "charters of limited liability." The President of the Board of Trade used them to endeavour to institute some sort of examination before giving a charter; but he had no means of making that examination an effective one. The system gave dissatisfaction, except to the few persons who obtained them, and he was happily the means of putting an end to it. He cordially approved the suggestion that this Bill should be referred to a Select Committee. Public opinion on this subject had not yet arrived at the point which had been attained by many of their Lordships—the total abolition of patents, and the present Bill did not propose to do away with them; but their Lordships would, he hoped, go as far as they could towards remedying the abuses connected with the present system.

THE LORD CHANCELLOR: Although the debate has not turned much on the provisions of the measure before your Lordships, yet I cannot regret that it has occurred, because it is of the greatest importance that a subject which interests so many people, and which so nearly concerns the progress of the country in its trade, arts, and manufactures, should be fully and amply discussed, and I own that I look with great satisfaction to the ripening of public opinion upon the subject—whether that opinion when fully matured shall take the direction of amending the existing system of patents or of abolishing them altogether. I cannot concur in all that has been said by the noble Earl (Earl Granville) in his valuable contribution towards the debate, although with much that he has stated I entirely agree. The noble Earl referred to the opinions of the Secretary of State for Foreign Affairs, and expressed some surprise that my noble Friend (the Earl of Derby) was not present to vindicate the opinions he formerly expressed. My noble Friend has been prevented by a slight indisposition from being present; but if he had

been in his place I do not believe that my noble Friend would have receded in the least degree from the opinions he has uttered. I have never been a strong advocate for patents, as I told your Lordships on a former occasion; but, although I recognize many of the objections which have been made to them, I hope that the noble and learned Lord (Lord Hatherley) will forgive me for demurring to one of the objections which he made. He described in graphic terms the misfortunes which sometimes befall a patentee — the combinations which might be formed against him, the infringements of his patent rights, and his liability to be engaged in costly litigation. A number of law suits might be brought against him, and in such a case no doubt he might, as the noble and learned Lord stated, eventually succumb. But what objection is that, my Lords, to a system of Patents? It may be a very strong argument for altering the proceedings in the Courts of Law and Equity and making litigation less costly; but what argument can it be against the Patent Laws that a patent now costs the inventor a great deal of money? The hypothesis is that invention is beneficial and that the inventor ought to be protected as much as possible, and if he is put to great expense the mode of proceeding should be altered so that the expense may be lessened. I think it desirable that the public should discriminate between the principles of a Patent Law and those inconveniences and anomalies which exist in the working of it. These, in place of going to the abolition of our Patent Laws, are rather to be treated as arguments for the modification and amendment. I will not speculate as to what may happen in the course of 100 years. The country may come round to the opinion that it could do without a Patent Law, and I should look forward to such a state of things with considerable complacency. But what we have to do in the present day is to see what we can do to improve the system which exists, and which by this Bill we are not going to overthrow. There have been two points raised in this debate on which I wish to say a few words. The noble Earl (Earl Granville) said it was very important to look at the machinery by which the new system was to be worked. He said that we have already several unpaid Commissioners

at the head of the Patent Department, and that now five more are to be added to the number. I can only say there has been a very general demand in the country that there should be associated with the present Patent Commissioners, who are all legal officials, some persons who are connected with the trade manufactures and arts of the country. As to their being unpaid, if these gentlemen were to have thrown upon them the responsibility of working out the details and giving opinions on patents, it would be absurd to expect them to give up their time to such a work and rightly to perform such duties. What we want from unpaid Commissioners is that the office shall be esteemed by them as one of honour and dignity, and that they will take part in setting forth and regulating a general system, which will work so as to be acceptable to the trade who are interested in it. I agree that the Examiners who are to be appointed and who will examine the patents in detail will bear the principal burden of the working of this Bill. The noble Earl says that I put an unlimited number of people on the panels and that they will be under the influence of trade sympathies and antipathies. We propose to place a panel upon each particular patent, composed of those who are not connected with the particular trade and not associated in any way with the patentee. There is to be an unlimited panel of experts, who are to be on the rota, and those who are selected will make a declaration that they have no interest in the particular patent. I will not dwell on that; but it should be borne in mind that the Experts and the Examiners are not to decide whether the patent is to be granted. They are to make a report under their hand, and on their responsibility they are to give answers to specific questions, and their report is to be sent to the Commissioners; who will then transmit it to the Law Officers; who having considered it will report to the Commissioners their opinion whether a patent may be granted or not, and if granted for what term. Here their functions end. The noble Duke (the Duke of Somerset) asked why these reports should go before the Law Officers at all, seeing that hitherto they have given no attention to the merits of patents? But that is exactly the reason why they are now to approve

the report before the Patent is issued. Hitherto they have acted without having before them the materials on which to act; but we are now going to supply them with the materials they require for forming a judgment. They are the Officers of the Crown, and they are responsible for every patent that is granted. I am not going to change the constitution of the country in regard to the Letters Patent of the Crown; but if any persons challenge the opinion of the Law Officers of the Crown—if any patentee thinks that he is aggrieved by the refusal of a patent—he may appeal to the Judge of the Superior Court. My belief is that this system will work. The noble Viscount (Viscount Cardwell) has made an objection which is not, I think, very logical. He says you have a system of preliminary examination in the United States which, in the opinion of good judges, does not work well, and therefore it is probable that a system of preliminary examination will not work well here. But because it does not work well in one country is that any reason why it should not work well in another? Another objection of the noble Earl (Earl Granville) refers to the system of granting compulsory licences. If we proposed by this Bill to throw upon any body of Commissioners the duty of deciding the reasonable term for which licences should be granted, that duty could not, I think, be performed. But it is quite a different thing to say, as we do by this Bill, that after a patent has been in operation for two years the patentee may be called upon to answer the charge that he has refused to grant licences on reasonable terms. In answer to the question how we should accomplish the refusal of patents for frivolous inventions, I refer by way of illustration to the instance just named of attaching sand-paper to a hat for the purpose of lighting a match. It might be said that such a manufacture would be new in this country, but this is a frivolous thing for which no patent ought to be granted. We cannot have a proper system unless we repose confidence somewhere to secure the rejection of applications for patents on the ground that the invention is frivolous. I do not say the power should be reposed in the Referees or Examiners without there being the opportunity of appeal to a proper tribunal, if any applicant chooses to carry the matter there. It is

The Lord Chancellor

quite true that in the present position of the Patent Law, it does happen that, towards the termination of the period for which a patent has been granted, the patentee frequently seeks to make a minute addition with the object of prolonging the original grant. It is this practice which one clause is designed to meet; but it may be that the words of that clause are open to consideration in Committee. Reference has been made to the effect of the Bill on the War Department and other Departments of the State. The noble Duke (the Duke of Somerset) has said that the officers of these Departments will be enabled to avail themselves of the Government plant and expenditure in perfecting their inventions, and that nevertheless the Government will have to pay for the use of their inventions. This is entirely a matter of internal administration. A Railway Company is just in the same position. The London and North-Western Company, for instance, has a large establishment with workmen who are every day finding inventions by the aid of the expenditure of the Company of which they are the servants. But the Company stipulates that its officers shall take out patents only with the Company's leave or hold them for the benefit of the Company. It is competent for the War Department to make any regulation of the kind. The question raised in the case of the Small Arms Company was whether it might disregard a private patent covering a particular arm, as the Government might have done, simply because the Company had entered into a contract with the Government for the supply of a certain number of small arms; and the contractor was rightly defeated in the Courts of Law, as there was no question of public interest involved, and the War Office had made the contract without exempting the contractor from liability to pay for any patents he might use. All that is required is that the Government should not be checked in the use of any patent article by the demand of an exorbitant price for the use of it; and this Bill provides the means by which a patent can be used without stopping the course of manufacture. That will apply as much to cases in which the Government themselves manufacture as to cases in which they enter into contracts. The idea of referring this Bill to a Select Committee, which is

to hear witnesses, appears to me to be one that can hardly be entertained, for if, after the full inquiries of the Royal Commission and of the Select Committee of the House of Commons, further evidence is still required, we are wrong in introducing this Bill and we ought to have issued a fresh Commission. We have got all the evidence we can receive; and the arguable points—preliminary examination, compulsory licences, and the position of the War Department—are matters of public interest which your Lordships are quite competent to discuss; while, if any improvements in the drawing of the Bill can be suggested, it will be my duty to have them made. I cannot see what advantage will be gained by having the points I have named discussed in a Committee upstairs instead of in this House. I hope your Lordships will not think I have any desire to proceed with undue haste; but, at the same time, I put it to your Lordships whether there is any necessity for further inquiry.

EARL GRANVILLE said, that if a Select Committee was not to receive further evidence upon certain points involved in the measure there would be no advantage in referring the Bill to such a Committee; and there was no reason why the points that had been raised should not be discussed in the full House.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* the 11th of *March* next.

House adjourned at half past Seven o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 26th February, 1875.

MINUTES.] — PUBLIC BILLS — *Committee* — Local Government Board's Provisional Orders Confirmation * [67], *discharged*.
Committee—Report—Superannuation Act (1859) Amendment * [64].
Third Reading—Registry of Deeds Office (Ireland) * [70], and *passed*.

RELEASE OF POLITICAL PRISONERS. QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, Whether, in view of the resolution in favour of amnesty to political prisoners passed on the 13th instant by a large majority of the Canadian Legislature, he intends to recommend Her Most Gracious Majesty to exercise Her royal clemency on behalf of persons confined for political offences in great Britain and Ireland?

MR. ASSHETON CROSS, in reply, said, he presumed the Question referred to certain prisoners whose case had been brought under his notice last Session. He then stated that he did not recognize those men as being political prisoners, nor did he now see any more reason than at that time to interfere with the ordinary course of the law so far as they were concerned.

MR. O'CONNOR POWER gave Notice that he would on an early day call attention to the subject.

THE EDUCATIONAL SYSTEM—COMPULSORY ATTENDANCE—LEGISLATION.

QUESTION.

MR. DIXON asked the Vice President of the Committee of Council on Education, Whether it is the intention of Her Majesty's Government to introduce a Bill this Session to make attendance at School compulsory in England and Wales?

VISCOUNT SANDON: The subject, Sir, to which the hon. Member's Question refers is undoubtedly one of great importance; but it is also, as I think the House will readily believe, of the greatest practical difficulty when considered with a view to action. The hon. Member will not, I hope, expect that under these circumstances I can do more than say that Her Majesty's Government will give the earliest intimation to the House in case they should desire to make any proposal on the subject.

INSPECTORS OF MINES—LEGISLATION.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, When the Reports of the Inspectors of Mines for 1874 may be expected to be laid upon the Table of the House?

MR. ASSHETON CROSS, in reply, said, he had issued a second Circular, reminding the Inspectors of Mines that it was desirable their Reports should be laid on the Table of the House as soon as possible, and he hoped there would not be much further delay in having them presented.

URUGUAY—ATROCITIES IN MONTE VIDEO.—QUESTION.

CAPTAIN PIM asked the Under Secretary of State for Foreign Affairs, Whether diplomatic relations continue to exist between this Country and Uruguay; and, whether Her Majesty's Government has received any special information respecting the atrocities reported to have been committed in Monte Video on Sunday the 10th January; and, considering the unsettled state of that Country, what provision, if any, has been made by Her Majesty's Government to insure the uninterrupted security of British subjects and interests?

MR. BOURKE: Diplomatic relations, Sir, between this country and Uruguay have been suspended since 1871. Her Majesty's Consul at Monte Video, writing on the 20th of January, reports that the elections were to have been held on the 3rd of January; but owing to disturbances which occurred that day, the elections were postponed till the 10th. On the 10th there was a conflict in the streets, in which nine persons were killed. A revolution followed upon these disturbances, and a new Government was established. Her Majesty's Detached Squadron, under the command of Rear Admiral Randolph, was at Monte Video at the time of the revolution, so there was ample means at hand for the protection of British subjects and interests.

ECCLESIASTICAL LAW—LEGISLATION.

QUESTION.

SIR WILFRID LAWSON asked the Honourable Member for Southampton, Whether, according to the intimation which he made last Session, he intends to introduce a Bill dealing with all offences by Clerks in Holy Orders against the Law Ecclesiastical?

MR. RUSSELL GURNEY, in reply, said, his hon. Friend was probably not aware that at the time the intimation was given it was universally believed—

Mr. Macdonald

and there was every reason to believe—that in the month of November last the Judge who was appointed under the Public Worship Act would be also the Dean of Arches, and would, therefore, have to decide all matters of ecclesiastical offence. It was then thought desirable that, in all cases over which he had jurisdiction, the process should be the same. In consequence, however, of the postponement of the Judicature Bill, such was not the case, and at present the Judge appointed under the Public Worship Act had jurisdiction only over questions for which that Act provided. He had had, he might add, communication with the noble and learned Lord who filled that office, and that noble and learned Lord deemed it exceedingly desirable that there should be some experience of the working of the present system, before any change was made with a view to the extension of the Act. Under those circumstances, it was not his intention to propose during the present Session any such Bill as that referred to by his hon. Friend, and in taking that course he would, he believed, be consulting the wishes, not only of the House generally, but also of those who, during the last Session, pressed upon him a contrary course.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

TURNPIKE TRUSTS.

OBSERVATIONS. RESOLUTION.

SIR GEORGE JENKINSON, in rising to call the attention of the House to the hardships caused to the rate-payers of various parishes by the present system of partial and piecemeal abolition of Turnpike Trusts, as well as the injustice of the present system of maintaining Turnpike Roads of which the trusts have been abolished, which is, moreover, constantly increasing as trusts expire, thus throwing a large additional burden on to owners and occupiers of real property only; and to move—

"That it is expedient that legislation should take place without further delay, dealing in a comprehensive manner with the future maintenance of roads,"

said, the time had arrived when it was necessary that some legislation should take place on the subject, after the many promises to that effect that had been made from right hon. Gentlemen on the front benches on both sides of the House. He had, in the course of last Session, presented as many as 32 Petitions in favour of early legislation in the direction he had pointed out. He had also on the 16th of June last placed upon the Paper a Resolution similar to the one he now asked the House to adopt; but owing to the exigencies of the Government at the close of the Session, he had consented to postpone the matter till the present Session. The great evil was, that legislation for the maintenance of roads on an equitable basis did not take place *pari passu* with the abolition of tolls, because their abolition threw the whole burden of the repairs of the great arterial roads upon one class of persons in the parishes through which the roads passed, although they had been made and used for Imperial purposes. The Turnpike Acts Continuance Bill came before the House every year so late in the Session, that it was impossible for the subject to be then fairly and adequately discussed; and he hoped the discussion on his Motion would show the country the interest that was felt by this House in the subject. The question had been investigated by several Committees of that House, and on each occasion legislation had been recommended. The first Committee sat in 1836, another in 1864, again in 1869, 1871, 1872, 1873, and in 1874; and the late Under Secretary for the Home Department (Mr. Knatchbull-Hugessen), and the present President of the Local Government Board, had spoken in favour of legislation. The former right hon. Gentleman said, that unless a remedy were soon provided, it would be impossible to provide one at all. The Select Committee of 1873 reiterated the regret of the Committee of the preceding year that, notwithstanding the frequent remonstrances of previous Committees, nothing had been done by Parliament in the matter. In 1870, when he himself brought forward a Resolution on the subject, he was strongly supported and seconded by the present President of the Local Government Board. His right hon. Friend was then in the cold shade of Opposition; but he hoped

that now that he had got into the full sunshine of office, he would do something towards carrying out what were his views in 1870. He held in his hand a Return of the trusts which had expired during the last 10 years, and of the trusts which would expire during the next 10 years. The total number of trusts which had expired during the last 10 years was 429, representing 8,300 miles of road. During the next 10 years, there would expire no less than 166 trusts, representing 3,742 miles. That decrease in the number of trusts, of course, implied a corresponding increase in the rates paid by the rural parishes. Having endeavoured to convince his right hon. Friend the President of the Local Government Board of the injustice under which the rural districts suffered, he wished now to make an appeal to the stony heart of his right hon. Friend the Chancellor of the Exchequer. He hoped that his right hon. Friend would be inclined to give them relief by yielding to them some licences locally collected. He had specially in his mind the carriage licences, which, though they would not make up for the total increase of expenditure from the abolition of tolls, when complete would be a very great help in that direction. There would be no difficulty in collecting the licences, in passing them to the Treasury, as at present, and in the Treasury paying them to the county treasurers in the proportion in which they were collected in each county. Those separate amounts were somewhat considerable, being, for instance, £10,791 for Gloucestershire; £8,483 for Wiltshire; and the total amount of the licences collected for carriages in England and Wales was £476,294. If this sum were paid over to the treasurers of the different counties in that proportion, there would be no difficulty in distributing it under the auspices of the Courts of Quarter Session among the different parishes. They would also be very glad to receive the dog duty, which amounted to £294,000; but they would be grateful for the carriage licences, if they did not receive a larger sum. The expenditure of the different turnpike trusts on roads was £937,000 in 1870; and in 1872 it was £787,000. The expenditure had thus diminished in three years by about £150,000, which simply represented a

corresponding increase in the local rates, and, therefore, in the amount paid by the owners and occupiers of real property through which passed roads used by all classes of the community, and for all sorts of purposes. It was true that some relief had been afforded to the rural districts in the shape of increased contribution to police rates and payments in aid of the maintenance of lunatics; but if that increase went on at the rate of £150,000 in three years, it would soon swallow up the very slight boon given last year. A relief in the local expenditure could be obtained from local sources, and he therefore hoped that his right hon. Friend the Chancellor of the Exchequer would be able to hold out some hope of giving this point his favourable consideration. There was another point to which he wished to direct attention. The great reason why turnpike trusts were unable to pay the interest on their debt arose from the change in the mode of conveyance. It must be remembered that the railways had of late years monopolized the traffic of the country, and taken it away from the main arterial turnpike roads, together with all the advantages which resulted to the inhabitants from the passage of the traffic through the rural districts. It became a question, therefore, from the inability of the local authorities to deal with the question, whether the railways were sufficiently rated, and whether the amount of rates they paid was applied in a proper ratio to the purposes for which it was levied, and to which it ought to be applied. He would like to see one uniform system of rating laid down by the central authority, and a mileage rating of railways according to their earnings, so that there might be one practice throughout the Kingdom. The whole question of the rating of railways and the application of that rating was one deserving investigation by a Select Committee, or by some other mode of inquiry. The modern practice of sending traction engines with enormous loads over the roads had also increased the expenditure of the parishes from the damage done both to roads and bridges. The subject of the maintenance of the roads was a dull and dry one, but it was one which was viewed in the country districts with great soreness. Both parties, when in Opposition, had pro-

mised redress, but when they got into office nothing was done. He regretted that a measure on the subject was not to be brought forward by the Government this Session, and he trusted there would be such an expression of opinion on both sides of the House as would show the Government that the question could no longer be neglected. The hon. Baronet concluded by moving the Resolution.

Mr. **HARDCASTLE** seconded the Motion, and called attention to the hardship of the present system as it affected thoroughfare parishes. As an instance, he would mention the case of the parish of Prestwich, which adjoined the city of Manchester. It contained 1,909 acres, and had 1,378 ratepayers. Prior to the cession of turnpike tolls it had to maintain only one and a-half miles of road, but owing to the expiration of turnpike trusts six miles more of road either had been or shortly would be thrown open, and these six miles would be of the most expensive kind of roads to be found in the country, because over them would pass the whole of the traffic between Manchester, with its 500,000 of inhabitants, and the district of Bury and Rossendale, with their 200,000 or 300,000 inhabitants. Those roads were paved on both sides and macadamized in the middle. They would be subject to rapid destruction both by the amount and the rate of the traffic which passed over them, and it was calculated that their maintenance would more than double the rates of the parish. Then on the other side of Manchester were the parishes or townships of Levenshulme and Heaton Norris, lying between the city and Stockport, which would be affected in a similar way. Those cases were not exceptional. On the contrary, examples of the same kind might be found in the neighbourhood of all large towns, and especially near London—for instance, the parishes of Leyton and Woodford, which lay between the East End of London and Epping Forest. An enormous amount of summer pleasure-traffic, which was rather a nuisance than a benefit to the inhabitants, passed through these parishes, which were bound to maintain roads to accommodate it at a very great expense. This state of things was certainly one of great hardship to the ratepayers, and imperatively

Sir George Jenkinson

called for a remedy on the part of the Government. The old plan was that those who used the roads should pay for them, and this had at least the advantage of simplicity. He did not say there might not be rural districts in which, from the parishes being of the same character, there would be a give and take between them, but that did not meet the case of such districts as he had alluded to, and if the Government thought that the old simple plan should be departed from it was for them to invent another which might be more complicated, but which would at any rate relieve the ratepayers from the exceptional burden now thrown on them. For his own part, he saw no objection to the re-imposition of tolls in some cases; but whether this was done, or the burden was thrown on the Consolidated Fund or the county rate, was for the Government to consider. He trusted, however, that the right hon. Gentleman at the head of the Local Government Board would give his early attention to the subject, with a view to relieve the ratepayers from the injustice of which they had at present reason to complain.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that legislation should take place, without further delay, dealing in a comprehensive manner with the future maintenance of roads,"—(*Sir George Jenkinson*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEASE said, the question introduced by the hon. Baronet opposite the Member for North Wiltshire (*Sir George Jenkinson*) had been so frequently debated that he had heard with considerable disappointment that the Government were not disposed at the present time to take any action on it. In almost every county recent legislation had established a state of things such as that described by the hon. Baronet, and in his own county (*Durham*) the farmers bitterly complained of having to maintain the roads in the neighbourhood of towns. Many of the farmers thought that the towns might fairly be called upon to contribute; but the towns, on the other hand, alleged, and with great

force, that the amount of their obligations was already as much as they could sustain, and no one who had looked into the question would come to the conclusion that the towns could contribute. It could not be said that there was no grievance in the case of persons who were rated for the maintenance of roads which had only come upon them by the abolition of turnpikes, and his own view of a very difficult question was, that power might be given to the Quarter Sessions, or some other local authority, to re-establish tolls in various places of a temporary character, under the supervision of some Department in that House.

MR. GREGORY said, that in the part of the country which he represented there were three large towns, Brighton, Hastings, and Tunbridge Wells, which for a large portion of the year were for the most part occupied by large bodies of visitors, who came there for purposes of health and recreation. In the vicinity of Hastings and St. Leonards, for example, there was a highway district consisting of 21 parishes, 14 of which were more or less traversed by roads, which were formerly turnpike, and the whole of these parishes would have to contribute to the repair of such roads. It was an undeniable injustice that those parishes should be charged for the maintenance of those roads, the cost of which was double, or more than double, the cost of maintaining an ordinary highway, and much of this was in consequence of the carriage traffic and increased wear and tear caused by the influx of strangers to those fashionable watering-places, which contributed nothing whatever to the maintenance of the roads. He was averse, however, from making that anything like a question between town and country. On the whole, he was favourable to the solution of the difficulty suggested by the hon. Baronet the Member for North Wiltshire, and thought it but fair that the duty on carriages should be applied to the maintenance of the turnpike roads, or if the Chancellor of the Exchequer was not in a position to give up this, he thought there would be no great hardship in re-imposing the horse duty for the same object in the shape of an increased duty on carriages. At all events, he trusted the Chancellor of the Exchequer would see his way to afford some relief to the ratepayers.

MR. R. YORKE said, that agricultural gatherings of all kinds manifested an eager interest in the question of the management of roads and the extinction of turnpike trusts. He therefore thought it might be considered that turnpikes were doomed, although they represented a good principle—namely, the principle of a direct payment for a benefit directly received. What had proved fatal to turnpikes was the dislike of Englishmen, when riding along a road at a rapid pace, to be suddenly called upon to pull up, and to “stand and deliver.” If, however, turnpikes were abolished, the cost of maintaining the roads fell by common law on the ratepayers of the parishes, and it had been proposed by some to relieve them by spreading the burden over a larger area. As a ratepayer, he should lament the adoption of that course, and would much prefer, if there was only one alternative, that turnpikes should be maintained exceptionally in districts where the highway board did not at present exist, but he thought the Government would do well to consider the proposition of the hon. Baronet, whether the taxes on horses and carriages might not be applied in aid of the maintenance of the roads, and in relief of local taxation. The system that prevailed in South Wales had worked well, and its extension to England had been recommended on high official authority. He hoped the Government would make some concession on the subject, for they could hardly be aware of the uneasiness that at present existed on this subject, and the importance that was attached to the finding of a remedy for the grievance to which he referred. That was certainly the case in the part of the country he represented, and he should view with great satisfaction the introduction of a remedial measure by the Government.

LORD GEORGE CAVENDISH said, the subject was of wider interest than might at first sight appear. Individual Members of the House were of small importance, yet the House was great and famous; and so, though one of those roads might seem of no moment, our national system of roads was of very great importance. It was too late now to advocate a return to the system under which those who used the roads paid for

them. In England, while some road trusts comprised 100 miles, other insignificant trusts only covered four miles or less. The result was, that a former Home Secretary had to pay three tolls in going from his house to the railway station. He wished that at least one Member of the present Cabinet suffered the same inconvenience, and then the evils of the system would be clearly impressed upon the Government. While it was impossible to go back to the old state of things, he regretted that a general measure had not before been passed. Five or six years ago the Committee of which he was a Member expressed their belief that the roads would go thoroughly out of repair unless a general measure were introduced. It was impossible that parishes should keep in proper repair some of the great through roads, and in his part of the country roads had been allowed to get out of repair, under the impression that a general measure would be soon introduced. The right hon. Gentleman the President of the Local Government Board had the good fortune to represent a county where the traffic was light, and road material was abundant. Some years ago Lord Eversley was boasting how good the roads were in Hampshire, and was met by the reply—“Yes, but then the soil in your county is fit for nothing but to make roads of.” In the Midland and Northern Counties it was of the utmost importance that a different system of management should prevail. He could only reiterate the hope he had often expressed, that the Government would soon take up the matter. It was no Party question, and he believed that both sides of the House would willingly assist the Government in passing a measure that would remedy the present state of things.

MR. WILBRAHAM EGERTON said, as a Member of the Turnpike Committee, he could confirm what had been said by the noble Lord. The Highway Boards had worked well in his county. The cost of the highway system was £1 10s. a-mile, as against between £4 and £5 a-mile for the turnpike system. The parish system worked well where there was a light soil and good gravel; but on a clay soil, which necessitated the bringing of materials from a distance, it was impossible to carry on the system satisfactorily. In his part of the country they had tried it and failed. The

failure of the highway system was owing to the fact that too great a length of road was often placed under one surveyor. Every surveyor ought to be able to look over his road once a fortnight, and should not have more than 250 or 300 miles of road at the outside. The House had been told that the Government did not mean to deal with the subject of local taxation this year. They might not be able to treat the subject comprehensively until they dealt with the question of local taxation. But, at any rate, they could make the Highway Act compulsory, and remedy the grievances which existed under a system by which the whole burden was thrown upon the parishes. The right hon. Gentleman the Home Secretary had told the House last Session that he intended to take up the question of the road system of Scotland. He (Mr. Wilbraham Egerton) trusted we should not have one system of legislation on this subject for Scotland and another for England. He admitted the Highway Act was not perfect, but a compulsory measure might be brought in which, without much difficulty or discussion, might make the working of the Act satisfactory. Such a measure could be easily passed before the close of the Session.

MR. SCOURFIELD said, that having been connected from the first with the South Wales system of maintaining roads, he could state that it had worked extremely well. The whole of the present difficulty strongly illustrated the great evil of taking a partial view of a subject. If a comprehensive system, such as that he had referred to, had been adopted several years ago, most of the evils of which people complained would never have been heard of. The toll system was founded upon a just principle—one that he highly approved of—that people should pay for what they got, in contradistinction to another principle which was much more popular—that of putting your hand into other people's pockets. There was one thing of which Chancellors of the Exchequer had reason to complain. The existing system having been found to be attended with some inconvenience, hard words were used of it; it was called "barbarous and antiquated," and people came to the conclusion that it ought to be abolished, and some other system adopted in its place. It was to that word "some" that he

took objection. When people complained of the evil of the old system they ought to point to a specific remedy and not call upon the Government to find it for them. In South Wales they consolidated the trusts, and that did away with a great part of the evil. There was no injustice in making people pay for value received, but there was in extracting by a hap-hazard process perhaps more than one ought to pay. When some paid more than they ought, they were not to be consoled by the doctrine of averages. It was no consolation to a man who went without his dinner to know that others had eaten a great deal more than was good for them. In South Wales some assistance was granted to the county rate, but with very strict limitations, the burden was shared between owners and occupiers, and, what was of great importance, an Inspector was appointed by the Government, who exercised a general supervision over the roads. The Bill by which that was effected was brought in by one of the ablest administrators this country ever knew, Sir James Graham; it was framed with great care, a most efficient Inspector was appointed, Captain Harness, who held the post for many years, and all they had now to do was to work upon the lines which he had laid down. He did not think blame could be thrown on the present Government for not dealing with this matter, because the difficulty connected with it had been enhanced by the neglect of former Administrations.

SIR THOMAS ACLAND said, they could not expect the Government to deal hastily with the question, which, after all, was one inextricably mixed up with the larger question of local government. He thought some middle way might be found between the abolition and the retention of the toll system. Why should not parishes be grouped? It seemed to be admitted on all sides that mere parochial management as regarded roads was unsuited to the wants of the present day. The more closely he had directed his attention to such local questions as sanitary matters, the management of roads and education, the more he was convinced they would not be solved until landlords fairly faced the difficulty, by either taking on themselves permanent improvements, or a fair share of the annual charge upon the money raised

ment establishments were exempt; and the Government would be unwilling to ask the House of Commons to purchase, say, Henri-Martini rifles for a higher price than they could manufacture them at Enfield. That was a subject well worthy of consideration during the progress of the Bill. But he was very well satisfied with the Bill. He liked it for what it undid, as well as for what it did. What it undid was to put an end to the present system of patents, injurious as it had proved itself to be to the inventor, to the public, and to the manufacturing interests of the country; and what it did was to establish in its place a system which he ventured to say would soon perish, and they would then arrive, through the instrumentality of the Bill, at the object he desired to see attained—the abolition of the system altogether. He ventured to say that the system proposed to be established by this Bill was one that could not last. They were to have under the Bill a system of examinations. Such a system was provided in a former Bill in 1852; but ever since it had been a dead letter. He saw by a Report on the Table that in France, and the other countries of Europe generally, the system of examination did not exist. In America it did exist, and there they had innumerable patents—patents for things so frivolous and contemptible, that it was a matter of surprise that the idea of such inventions should have entered into any man's head. An American gentleman was examined before the Committee of the House of Commons. He was examined upon some of the patents which had been recently granted in America. One was a spittoon, and this, he said, was considered a subject of considerable importance in the United States. A patent was granted also for a bit of sandpaper placed in a hat for the purpose of striking a light for a cigar. Another patent was taken out for a piece of india-rubber placed at the end of a pencil, to enable a person to rub out what he had just written. The American gentleman was asked whether he did not consider that to be a frivolous invention?—and he replied that it was no more frivolous than were the inventions of Sir Isaac Newton. In Germany, on the other hand, scarcely any patents were granted. In one year the number amounted to only 31, and

Viscount Cardwell

two of these were for machines for making sticking-plaster; while a patent was refused to Mr. Bessemer. Such had been the result of examination in this and other countries. He feared that the system of examination provided under the Bill would not in practice be found to work satisfactorily. Many years ago monopoly used to be given in another form: there existed a system of what was called "charters of limited liability." The President of the Board of Trade used them to endeavour to institute some sort of examination before giving a charter; but he had no means of making that examination an effective one. The system gave dissatisfaction, except to the few persons who obtained them, and he was happily the means of putting an end to it. He cordially approved the suggestion that this Bill should be referred to a Select Committee. Public opinion on this subject had not yet arrived at the point which had been attained by many of their Lordships—the total abolition of patents, and the present Bill did not propose to do away with them; but their Lordships would, he hoped, go as far as they could towards remedying the abuses connected with the present system.

THE LORD CHANCELLOR: Although the debate has not turned much on the provisions of the measure before your Lordships, yet I cannot regret that it has occurred, because it is of the greatest importance that a subject which interests so many people, and which so nearly concerns the progress of the country in its trade, arts, and manufactures, should be fully and amply discussed, and I own that I look with great satisfaction to the ripening of public opinion upon the subject—whether that opinion when fully matured shall take the direction of amending the existing system of patents or of abolishing them altogether. I cannot concur in all that has been said by the noble Earl (Earl Granville) in his valuable contribution towards the debate, although with much that he has stated I entirely agree. The noble Earl referred to the opinions of the Secretary of State for Foreign Affairs, and expressed some surprise that my noble Friend (the Earl of Derby) was not present to vindicate the opinions he formerly expressed. My noble Friend has been prevented by a slight indisposition from being present; but if he had

been in his place I do not believe that my noble Friend would have receded in the least degree from the opinions he has uttered. I have never been a strong advocate for patents, as I told your Lordships on a former occasion; but, although I recognize many of the objections which have been made to them, I hope that the noble and learned Lord (Lord Hatherley) will forgive me for demurring to one of the objections which he made. He described in graphic terms the misfortunes which sometimes befall a patentee — the combinations which might be formed against him, the infringements of his patent rights, and his liability to be engaged in costly litigation. A number of law suits might be brought against him, and in such a case no doubt he might, as the noble and learned Lord stated, eventually succumb. But what objection is that, my Lords, to a system of Patents? It may be a very strong argument for altering the proceedings in the Courts of Law and Equity and making litigation less costly; but what argument can it be against the Patent Laws that a patent now costs the inventor a great deal of money? The hypothesis is that invention is beneficial and that the inventor ought to be protected as much as possible, and if he is put to great expense the mode of proceeding should be altered so that the expense may be lessened. I think it desirable that the public should discriminate between the principles of a Patent Law and those inconveniences and anomalies which exist in the working of it. These, in place of going to the abolition of our Patent Laws, are rather to be treated as arguments for the modification and amendment. I will not speculate as to what may happen in the course of 100 years. The country may come round to the opinion that it could do without a Patent Law, and I should look forward to such a state of things with considerable complacency. But what we have to do in the present day is to see what we can do to improve the system which exists, and which by this Bill we are not going to overthrow. There have been two points raised in this debate on which I wish to say a few words. The noble Earl (Earl Granville) said it was very important to look at the machinery by which the new system was to be worked. He said that we have already several unpaid Commissioners

at the head of the Patent Department, and that now five more are to be added to the number. I can only say there has been a very general demand in the country that there should be associated with the present Patent Commissioners, who are all legal officials, some persons who are connected with the trade manufactures and arts of the country. As to their being unpaid, if these gentlemen were to have thrown upon them the responsibility of working out the details and giving opinions on patents, it would be absurd to expect them to give up their time to such a work and rightly to perform such duties. What we want from unpaid Commissioners is that the office shall be esteemed by them as one of honour and dignity, and that they will take part in setting forth and regulating a general system, which will work so as to be acceptable to the trade who are interested in it. I agree that the Examiners who are to be appointed and who will examine the patents in detail will bear the principal burden of the working of this Bill. The noble Earl says that I put an unlimited number of people on the panels and that they will be under the influence of trade sympathies and antipathies. We propose to place a panel upon each particular patent, composed of those who are not connected with the particular trade and not associated in any way with the patentee. There is to be an unlimited panel of experts, who are to be on the rota, and those who are selected will make a declaration that they have no interest in the particular patent. I will not dwell on that; but it should be borne in mind that the Experts and the Examiners are not to decide whether the patent is to be granted. They are to make a report under their hand, and on their responsibility they are to give answers to specific questions, and their report is to be sent to the Commissioners; who will then transmit it to the Law Officers; who having considered it will report to the Commissioners their opinion whether a patent may be granted or not, and if granted for what term. Here their functions end. The noble Duke (the Duke of Somerset) asked why these reports should go before the Law Officers at all, seeing that hitherto they have given no attention to the merits of patents? But that is exactly the reason why they are now to approve

the report before the Patent is issued. Hitherto they have acted without having before them the materials on which to act; but we are now going to supply them with the materials they require for forming a judgment. They are the Officers of the Crown, and they are responsible for every patent that is granted. I am not going to change the constitution of the country in regard to the Letters Patent of the Crown; but if any persons challenge the opinion of the Law Officers of the Crown—if any patentee thinks that he is aggrieved by the refusal of a patent—he may appeal to the Judge of the Superior Court. My belief is that this system will work. The noble Viscount (Viscount Cardwell) has made an objection which is not, I think, very logical. He says you have a system of preliminary examination in the United States which, in the opinion of good judges, does not work well, and therefore it is probable that a system of preliminary examination will not work well here. But because it does not work well in one country is that any reason why it should not work well in another? Another objection of the noble Earl (Earl Granville) refers to the system of granting compulsory licences. If we proposed by this Bill to throw upon any body of Commissioners the duty of deciding the reasonable term for which licences should be granted, that duty could not, I think, be performed. But it is quite a different thing to say, as we do by this Bill, that after a patent has been in operation for two years the patentee may be called upon to answer the charge that he has refused to grant licences on reasonable terms. In answer to the question how we should accomplish the refusal of patents for frivolous inventions, I refer by way of illustration to the instance just named of attaching sand-paper to a hat for the purpose of lighting a match—it might be said that such a manufacture would be new in this country, but this is a frivolous thing for which no patent ought to be granted. We cannot have a proper system unless we repose confidence somewhere to secure the rejection of applications for patents on the ground that the invention is frivolous. I do not say the power should be reposed in the Referees or Examiners without there being the opportunity of appeal to a proper tribunal, if any applicant chooses to carry the matter there. It is

quite true that in the present position of the Patent Law, it does happen that, towards the termination of the period for which a patent has been granted, the patentee frequently seeks to make a minute addition with the object of prolonging the original grant. It is this practice which one clause is designed to meet; but it may be that the words of that clause are open to consideration in Committee. Reference has been made to the effect of the Bill on the War Department and other Departments of the State. The noble Duke (the Duke of Somerset) has said that the officers of these Departments will be enabled to avail themselves of the Government plant and expenditure in perfecting their inventions, and that nevertheless the Government will have to pay for the use of their inventions. This is entirely a matter of internal administration. A Railway Company is just in the same position. The London and North-Western Company, for instance, has a large establishment with workmen who are every day finding inventions by the aid of the expenditure of the Company of which they are the servants. But the Company stipulates that its officers shall take out patents only with the Company's leave or hold them for the benefit of the Company. It is competent for the War Department to make any regulation of the kind. The question raised in the case of the Small Arms Company was whether it might disregard a private patent covering a particular arm, as the Government might have done, simply because the Company had entered into a contract with the Government for the supply of a certain number of small arms; and the contractor was rightly defeated in the Courts of Law, as there was no question of public interest involved, and the War Office had made the contract without exempting the contractor from liability to pay for any patents he might use. All that is required is that the Government should not be checked in the use of any patent article by the demand of an exorbitant price for the use of it; and this Bill provides the means by which a patent can be used without stopping the course of manufacture. That will apply as much to cases in which the Government themselves manufacture as to cases in which they enter into contracts. The idea of referring this Bill to a Select Committee, which is

The Lord Chancellor

to hear witnesses, appears to me to be one that can hardly be entertained, for if, after the full inquiries of the Royal Commission and of the Select Committee of the House of Commons, further evidence is still required, we are wrong in introducing this Bill and we ought to have issued a fresh Commission. We have got all the evidence we can receive; and the arguable points—preliminary examination, compulsory licences, and the position of the War Department—are matters of public interest which your Lordships are quite competent to discuss; while, if any improvements in the drawing of the Bill can be suggested, it will be my duty to have them made. I cannot see what advantage will be gained by having the points I have named discussed in a Committee upstairs instead of in this House. I hope your Lordships will not think I have any desire to proceed with undue haste; but, at the same time, I put it to your Lordships whether there is any necessity for further inquiry.

EARL GRANVILLE said, that if a Select Committee was not to receive further evidence upon certain points involved in the measure there would be no advantage in referring the Bill to such a Committee; and there was no reason why the points that had been raised should not be discussed in the full House.

Motion agreed to: Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Thursday* the 11th of *March* next.

House adjourned at half past Seven
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 26th February, 1875.

MINUTES.] — PUBLIC BILLS — Committee — Local Government Board's Provisional Orders Confirmation * [67], discharged.
Committee—Report—Superannuation Act (1859) Amendment * [64].
Third Reading—Registry of Deeds Office (Ireland) * [70], and passed.

RELEASE OF POLITICAL PRISONERS.

QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, Whether, in view of the resolution in favour of amnesty to political prisoners passed on the 13th instant by a large majority of the Canadian Legislature, he intends to recommend Her Most Gracious Majesty to exercise Her royal clemency on behalf of persons confined for political offences in great Britain and Ireland?

MR. ASSHETON CROSS, in reply, said, he presumed the Question referred to certain prisoners whose case had been brought under his notice last Session. He then stated that he did not recognize those men as being political prisoners, nor did he now see any more reason than at that time to interfere with the ordinary course of the law so far as they were concerned.

MR. O'CONNOR POWER gave Notice that he would on an early day call attention to the subject.

THE EDUCATIONAL SYSTEM—COMPULSORY ATTENDANCE—LEGISLATION.

QUESTION.

MR. DIXON asked the Vice President of the Committee of Council on Education, Whether it is the intention of Her Majesty's Government to introduce a Bill this Session to make attendance at School compulsory in England and Wales?

VISCOUNT SANDON: The subject, Sir, to which the hon. Member's Question refers is undoubtedly one of great importance; but it is also, as I think the House will readily believe, of the greatest practical difficulty when considered with a view to action. The hon. Member will not, I hope, expect that under these circumstances I can do more than say that Her Majesty's Government will give the earliest intimation to the House in case they should desire to make any proposal on the subject.

INSPECTORS OF MINES—LEGISLATION.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, When the Reports of the Inspectors of Mines for 1874 may be expected to be laid upon the Table of the House?

MR. ASSHETON CROSS, in reply, said, he had issued a second Circular, reminding the Inspectors of Mines that it was desirable their Reports should be laid on the Table of the House as soon as possible, and he hoped there would not be much further delay in having them presented.

URUGUAY—ATROCITIES IN MONTE VIDEO.—QUESTION.

CAPTAIN PIM asked the Under Secretary of State for Foreign Affairs, Whether diplomatic relations continue to exist between this Country and Uruguay; and, whether Her Majesty's Government has received any special information respecting the atrocities reported to have been committed in Monte Video on Sunday the 10th January; and, considering the unsettled state of that Country, what provision, if any, has been made by Her Majesty's Government to insure the uninterrupted security of British subjects and interests?

MR. BOURKE: Diplomatic relations, Sir, between this country and Uruguay have been suspended since 1871. Her Majesty's Consul at Monte Video, writing on the 20th of January, reports that the elections were to have been held on the 3rd of January; but owing to disturbances which occurred that day, the elections were postponed till the 10th. On the 10th there was a conflict in the streets, in which nine persons were killed. A revolution followed upon these disturbances, and a new Government was established. Her Majesty's Detached Squadron, under the command of Rear Admiral Randolph, was at Monte Video at the time of the revolution, so there was ample means at hand for the protection of British subjects and interests.

ECCLESIASTICAL LAW—LEGISLATION.

QUESTION.

SIR WILFRID LAWSON asked the Honourable Member for Southampton, Whether, according to the intimation which he made last Session, he intends to introduce a Bill dealing with all offences by Clerks in Holy Orders against the Law Ecclesiastical?

MR. RUSSELL GURNEY, in reply, said, his hon. Friend was probably not aware that at the time the intimation was given it was universally believed—

Mr. Macdonald

and there was every reason to believe—that in the month of November last the Judge who was appointed under the Public Worship Act would be also the Dean of Arches, and would, therefore, have to decide all matters of ecclesiastical offence. It was then thought desirable that, in all cases over which he had jurisdiction, the process should be the same. In consequence, however, of the postponement of the Judicature Bill, such was not the case, and at present the Judge appointed under the Public Worship Act had jurisdiction only over questions for which that Act provided. He had had, he might add, communication with the noble and learned Lord who filled that office, and that noble and learned Lord deemed it exceedingly desirable that there should be some experience of the working of the present system, before any change was made with a view to the extension of the Act. Under those circumstances, it was not his intention to propose during the present Session any such Bill as that referred to by his hon. Friend, and in taking that course he would, he believed, be consulting the wishes, not only of the House generally, but also of those who, during the last Session, pressed upon him a contrary course.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

TURNPIKE TRUSTS.

OBSERVATIONS. RESOLUTION.

SIR GEORGE JENKINSON, in rising to call the attention of the House to the hardships caused to the rate-payers of various parishes by the present system of partial and piecemeal abolition of Turnpike Trusts, as well as the injustice of the present system of maintaining Turnpike Roads of which the trusts have been abolished, which is, moreover, constantly increasing as trusts expire, thus throwing a large additional burden on to owners and occupiers of real property only; and to move—

"That it is expedient that legislation should take place without further delay, dealing in a comprehensive manner with the future maintenance of roads,"

said, the time had arrived when it was necessary that some legislation should take place on the subject, after the many promises to that effect that had been made from right hon. Gentlemen on the front benches on both sides of the House. He had, in the course of last Session, presented as many as 32 Petitions in favour of early legislation in the direction he had pointed out. He had also on the 16th of June last placed upon the Paper a Resolution similar to the one he now asked the House to adopt; but owing to the exigencies of the Government at the close of the Session, he had consented to postpone the matter till the present Session. The great evil was, that legislation for the maintenance of roads on an equitable basis did not take place *pari passu* with the abolition of tolls, because their abolition threw the whole burden of the repairs of the great arterial roads upon one class of persons in the parishes through which the roads passed, although they had been made and used for Imperial purposes. The Turnpike Acts Continuance Bill came before the House every year so late in the Session, that it was impossible for the subject to be then fairly and adequately discussed; and he hoped the discussion on his Motion would show the country the interest that was felt by this House in the subject. The question had been investigated by several Committees of that House, and on each occasion legislation had been recommended. The first Committee sat in 1836, another in 1864, again in 1869, 1871, 1872, 1873, and in 1874; and the late Under Secretary for the Home Department (Mr. Knatchbull-Hugessen), and the present President of the Local Government Board, had spoken in favour of legislation. The former right hon. Gentleman said, that unless a remedy were soon provided, it would be impossible to provide one at all. The Select Committee of 1873 reiterated the regret of the Committee of the preceding year that, notwithstanding the frequent remonstrances of previous Committees, nothing had been done by Parliament in the matter. In 1870, when he himself brought forward a Resolution on the subject, he was strongly supported and seconded by the present President of the Local Government Board. His right hon. Friend was then in the cold shade of Opposition; but he hoped

that now that he had got into the full sunshine of office, he would do something towards carrying out what were his views in 1870. He held in his hand a Return of the trusts which had expired during the last 10 years, and of the trusts which would expire during the next 10 years. The total number of trusts which had expired during the last 10 years was 429, representing 8,300 miles of road. During the next 10 years, there would expire no less than 166 trusts, representing 3,742 miles. That decrease in the number of trusts, of course, implied a corresponding increase in the rates paid by the rural parishes. Having endeavoured to convince his right hon. Friend the President of the Local Government Board of the injustice under which the rural districts suffered, he wished now to make an appeal to the stony heart of his right hon. Friend the Chancellor of the Exchequer. He hoped that his right hon. Friend would be inclined to give them relief by yielding to them some licences locally collected. He had specially in his mind the carriage licences, which, though they would not make up for the total increase of expenditure from the abolition of tolls, when complete would be a very great help in that direction. There would be no difficulty in collecting the licences, in passing them to the Treasury, as at present, and in the Treasury paying them to the county treasurers in the proportion in which they were collected in each county. Those separate amounts were somewhat considerable, being, for instance, £10,791 for Gloucestershire; £8,483 for Wiltshire; and the total amount of the licences collected for carriages in England and Wales was £476,294. If this sum were paid over to the treasurers of the different counties in that proportion, there would be no difficulty in distributing it under the auspices of the Courts of Quarter Session among the different parishes. They would also be very glad to receive the dog duty, which amounted to £294,000; but they would be grateful for the carriage licences, if they did not receive a larger sum. The expenditure of the different turnpike trusts on roads was £937,000 in 1870; and in 1872 it was £787,000. The expenditure had thus diminished in three years by about £150,000, which simply represented a

corresponding increase in the local rates, and, therefore, in the amount paid by the owners and occupiers of real property through which passed roads used by all classes of the community, and for all sorts of purposes. It was true that some relief had been afforded to the rural districts in the shape of increased contribution to police rates and payments in aid of the maintenance of lunatics; but if that increase went on at the rate of £150,000 in three years, it would soon swallow up the very slight boon given last year. A relief in the local expenditure could be obtained from local sources, and he therefore hoped that his right hon. Friend the Chancellor of the Exchequer would be able to hold out some hope of giving this point his favourable consideration. There was another point to which he wished to direct attention. The great reason why turnpike trusts were unable to pay the interest on their debt arose from the change in the mode of conveyance. It must be remembered that the railways had of late years monopolized the traffic of the country, and taken it away from the main arterial turnpike roads, together with all the advantages which resulted to the inhabitants from the passage of the traffic through the rural districts. It became a question, therefore, from the inability of the local authorities to deal with the question, whether the railways were sufficiently rated, and whether the amount of rates they paid was applied in a proper ratio to the purposes for which it was levied, and to which it ought to be applied. He would like to see one uniform system of rating laid down by the central authority, and a mileage rating of railways according to their earnings, so that there might be one practice throughout the Kingdom. The whole question of the rating of railways and the application of that rating was one deserving investigation by a Select Committee, or by some other mode of inquiry. The modern practice of sending traction engines with enormous loads over the roads had also increased the expenditure of the parishes from the damage done both to roads and bridges. The subject of the maintenance of the roads was a dull and dry one, but it was one which was viewed in the country districts with great soreness. Both parties, when in Opposition, had pro-

mised redress, but when they got into office nothing was done. He regretted that a measure on the subject was not to be brought forward by the Government this Session, and he trusted there would be such an expression of opinion on both sides of the House as would show the Government that the question could no longer be neglected. The hon. Baronet concluded by moving the Resolution.

MR. HARDCASTLE seconded the Motion, and called attention to the hardship of the present system as it affected thoroughfare parishes. As an instance, he would mention the case of the parish of Prestwich, which adjoined the city of Manchester. It contained 1,909 acres, and had 1,378 ratepayers. Prior to the cession of turnpike tolls it had to maintain only one and a-half miles of road, but owing to the expiration of turnpike trusts six miles more of road either had been or shortly would be thrown open, and these six miles would be of the most expensive kind of roads to be found in the country, because over them would pass the whole of the traffic between Manchester, with its 500,000 of inhabitants, and the district of Bury and Rossendale, with their 200,000 or 300,000 inhabitants. Those roads were paved on both sides and macadamized in the middle. They would be subject to rapid destruction both by the amount and the rate of the traffic which passed over them, and it was calculated that their maintenance would more than double the rates of the parish. Then on the other side of Manchester were the parishes or townships of Levenshulme and Heaton Norris, lying between the city and Stockport, which would be affected in a similar way. Those cases were not exceptional. On the contrary, examples of the same kind might be found in the neighbourhood of all large towns, and especially near London—for instance, the parishes of Leyton and Woodford, which lay between the East End of London and Epping Forest. An enormous amount of summer pleasure-traffic, which was rather a nuisance than a benefit to the inhabitants, passed through these parishes, which were bound to maintain roads to accommodate it at a very great expense. This state of things was certainly one of great hardship to the ratepayers, and imperatively

Sir George Jenkinson

called for a remedy on the part of the Government. The old plan was that those who used the roads should pay for them, and this had at least the advantage of simplicity. He did not say there might not be rural districts in which, from the parishes being of the same character, there would be a give and take between them, but that did not meet the case of such districts as he had alluded to, and if the Government thought that the old simple plan should be departed from it was for them to invent another which might be more complicated, but which would at any rate relieve the ratepayers from the exceptional burden now thrown on them. For his own part, he saw no objection to the re-imposition of tolls in some cases; but whether this was done, or the burden was thrown on the Consolidated Fund or the county rate, was for the Government to consider. He trusted, however, that the right hon. Gentleman at the head of the Local Government Board would give his early attention to the subject, with a view to relieve the ratepayers from the injustice of which they had at present reason to complain.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that legislation should take place, without further delay, dealing in a comprehensive manner with the future maintenance of roads,"—(*Sir George Jenkinson*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEASE said, the question introduced by the hon. Baronet opposite the Member for North Wiltshire (*Sir George Jenkinson*) had been so frequently debated that he had heard with considerable disappointment that the Government were not disposed at the present time to take any action on it. In almost every county recent legislation had established a state of things such as that described by the hon. Baronet, and in his own county (*Durham*) the farmers bitterly complained of having to maintain the roads in the neighbourhood of towns. Many of the farmers thought that the towns might fairly be called upon to contribute; but the towns, on the other hand, alleged, and with great

force, that the amount of their obligations was already as much as they could sustain, and no one who had looked into the question would come to the conclusion that the towns could contribute. It could not be said that there was no grievance in the case of persons who were rated for the maintenance of roads which had only come upon them by the abolition of turnpikes, and his own view of a very difficult question was, that power might be given to the Quarter Sessions, or some other local authority, to re-establish tolls in various places of a temporary character, under the supervision of some Department in that House.

MR. GREGORY said, that in the part of the country which he represented there were three large towns, Brighton, Hastings, and Tunbridge Wells, which for a large portion of the year were for the most part occupied by large bodies of visitors, who came there for purposes of health and recreation. In the vicinity of Hastings and St. Leonards, for example, there was a highway district consisting of 21 parishes, 14 of which were more or less traversed by roads, which were formerly turnpike, and the whole of these parishes would have to contribute to the repair of such roads. It was an undeniable injustice that those parishes should be charged for the maintenance of those roads, the cost of which was double, or more than double, the cost of maintaining an ordinary highway, and much of this was in consequence of the carriage traffic and increased wear and tear caused by the influx of strangers to those fashionable watering-places, which contributed nothing whatever to the maintenance of the roads. He was averse, however, from making that anything like a question between town and country. On the whole, he was favourable to the solution of the difficulty suggested by the hon. Baronet the Member for North Wiltshire, and thought it but fair that the duty on carriages should be applied to the maintenance of the turnpike roads, or if the Chancellor of the Exchequer was not in a position to give up this, he thought there would be no great hardship in re-imposing the horse duty for the same object in the shape of an increased duty on carriages. At all events, he trusted the Chancellor of the Exchequer would see his way to afford some relief to the ratepayers.

MR. SPEAKER: I have to remind the hon. Member that he is referring to a debate which occurred during the present Session.

MR. NEWDEGATE: If I have exceeded the rule of debate, Mr. Speaker, I apologize; but I meant to convey that I thought that the House was acting with undue haste on the former occasion, and I was unwilling that we should proceed in a doubtful manner with respect to one, who, however he might afterwards be disqualified by a decision of this House, had a claim to a fair hearing. I thought that if that hearing were refused, it would generate or renew that very spirit of animosity which the hon. Member who has moved for these Papers would encourage. I shall not refer in detail to the allegations contained in that speech. But I will remark that I was a Member of this House during the years of the Irish famine—1846 and 1848—and I declare that the hon. Member for Meath has done that Parliament the grossest injustice, in the imputation that he has cast upon us that we did not depart from our usual policy, and strain every nerve to meet the lamentable effects of the providential affliction which befel the people of Ireland. I was a Member of the Protectionist party. We were contending for the maintenance of the Corn Laws, which we thought secured for the country an adequate supply of food, and an evenness of price to the consumers, such as has not prevailed to the same extent since the repeal of the Corn Laws, for the variations of the price of food have been greater since the repeal of the Corn Laws. We were not, in that respect, far wrong. But in order to relieve the famine in Ireland, in order to meet that dire emergency, we consented to the suspension of the Corn Laws—we practically reversed our policy. The Protectionist party made a greater sacrifice to meet the need of Ireland than any other party or section in Parliament, for it was particularly contrary to our policy to sanction the peculiar measures intended for the relief of Ireland; but without any hesitation we unanimously voted for the extraordinary measures that were demanded by the circumstances of the case. Sir, the hon. Member speaks of the blind animosity of England towards Ireland. Why, in the Session of 1846 I voted against a Coer-

cion Bill for Ireland; but in the very next Session, such had been the effect of sentiments like those we have heard to-night, that I was obliged to reverse my vote. There is but one real remedy for the discontent of Ireland; and it is, that the Irish people should become thoroughly acquainted with the history of their own country. Then they will not accept such garbled versions of it as have been presented to this House to-night, but by studying the history of their own country, which for years has been and until very lately a sealed book, they will become assured that England has not felt animosity towards them. When the hon. Member presents as the panacea for Irish discontent, the restoration of the Irish Parliament, let him refer to the history of Ireland, which will satisfy him that discontent prevailed in Ireland almost as much while her Parliament sat at College Green as it has prevailed since then, and must continue to exist until she can view without resentment those measures which the Irish people have themselves rendered necessary for the preservation of the connection between the two countries. Sir, I have been anxious to say these few words in order to show the hon. Member for Meath and this House, that it was from no participation in the opinions which the hon. Member has expressed, that I was induced to vote in the minority in the division out of which originated the Motion on the Paper. I trust Her Majesty's Government will resist that Motion, and for two reasons—first, because I believe that in granting these Papers they would tend to foster in the minds of the Irish people a doubt of the justice of the sentence passed upon Mr. John Mitchel in 1848; and, secondly, because I think it evident from the speech of the hon. Member, that he is using this Motion merely as a means of fomenting Irish discontent.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, it was his intention to trouble the House with only a few remarks on the subject of the Motion of the hon. Member for Meath (Mr. John Martin), as he should not enter into any of the numerous topics that had been imported at such length into it. He did not think, judging from the manner in which the debate had proceeded thus far, that it was one likely to become productive of any sub-

stantial advantage; and, in fact, if it were to proceed in the same strain as it had up to that point, there would be no particular reason why it should ever come to an end, since there was no limit of time or space to the subjects which it might be made to include. He, therefore, trusted that the hon. Gentleman who had brought forward the Motion would not consider that it was out of any disrespect to him personally that he did not follow him through the several statements which he had made in the course of his speech. The hon. Member had complained of the feeling entertained towards his countrymen in that House in the days of his youth; but whatever that might have been, he surely could not complain of it now, for the hon. Member had been listened to with wonderful patience, and had had a full opportunity of laying before the House all the views which he deemed it necessary to express. It was unnecessary for him to say that not in any of those views did he sympathize, though he heard with satisfaction that, in the opinion of the hon. Member, the verdict of Tipperary was not shared by the bulk, or by any great portion of the Irish people. As to the Papers for the production of which the hon. Member asked, it was not possible to produce them. They had no means of producing them; but he was bound to add that even if they had, they should not feel themselves justified in establishing a precedent of that kind. The object of asking for those Papers must be to found on them some inquiry into the proceedings at the trial of John Mitchel 27 years ago, and to prove, if possible, that there were on that occasion malpractices on the part of the prosecution. Nearly everybody in that House, he presumed, was aware that the whole of that subject was brought before the House of Commons in 1848, and that it was then discussed and thoroughly thrashed out. But the truth was, that the propriety of the composition of the jury could not be decided in the House of Commons. It had been tried and decided in the proper way in the Court in Dublin, when tryers were sworn for the purpose of trying the issue as to the proper constitution of the panel. The tryers having been appointed and charged by the presiding Judge, they found against the imputations made at the time, and reproduced that evening.

He did not think his hon. Friend was quite serious in urging his Motion for the production of Papers, or that he meant to press it to a division, and therefore he did not deem it necessary to go at length into all those old matters. He held in his hand the report of the trial, and should have referred to some portions of it, if his hon. Friend had made more precise and specific charges; but he would only call the attention of the House to the fact that the Attorney General of that day, who was then accused of various acts of partizanship, was himself a Roman Catholic, and indignantly repudiated the imputations that he had improperly excluded Roman Catholics from the jury. The allegations of partiality in forming the panel were indignantly repudiated by the Attorney General, and the learned Judge who tried the case, Baron Lefroy, declared it as his opinion, in sentencing the prisoner, that there was no shadow of foundation for the imputations which had been cast upon the Law Officers, the sheriff, or other persons. The real answer to all this was, as was stated by the Judge, that neither the prisoner nor his counsel attempted to put forward any substantial defence to the charge made against the former, and the learned Judge expressly said he owed it to the jury to state, that upon the evidence furnished by the prisoner himself, no juror who had the slightest regard for the oath he had taken could by any possibility come to a conclusion different from that to which the jury had come. And to-night the hon. Gentleman had informed them that it was the separation of Ireland from England—revolution and nothing else—that was sought for by John Mitchel. He had, therefore, to say that they could not produce the Papers; that, in fact, as he was informed, no records existed as to some of the matters embraced by the Motion. But further, as he had already intimated, if it were in their power to produce them, he did not think it was a precedent which ought to be established, that years after a case of that kind had been settled, and when the persons to whom the Motion referred had perhaps long been dead and in their graves, the whole subject should be raked up, and encouragement should be given to the revival of questions which could only give rise to useless and mischievous discussions in that House.

MR. SULLIVAN said, he had risen to Order, when he found the hon. and learned Member for Londonderry (Mr. Lewis) asserting the doctrine of "unconditional allegiance," because every student of constitutional and Parliamentary history must know that this House not only would not allow such a doctrine to be mentioned here, but had, in the days of the Stuarts, sent men to the Tower for asserting the doctrine. The Solicitor General for Ireland had replied upon what must be allowed to be a painfully exciting topic with a temper and forbearance which did him honour, and it was not his (Mr. Sullivan's) desire that a word should be said in addition to what had been said by the hon. Member for Meath (Mr. John Martin), upon a chapter of Irish history which was sorrowful in the extreme; a chapter of history which every friend both of England and of Ireland might daily pray Heaven might never be repeated. The hon. Member for Meath, however, had not raked up this subject without cause. It was because he had found his friend, the companion of his childhood and of his prison exile, charged with felony at the bar of that House, and that the Papers produced stamped him as an ignominious foe of his country and a gaol-breaker, without a word to make it clear to the House and to the public that there were circumstances behind those Papers relating to Mitchel that would at least distinguish him from the burglar, and the wife murderer, that he determined, as far as was in his power, that the case should be placed in a truer light. It was with that object alone that his hon. Friend had brought forward the Motion, and hon. Members on that side, as well as his hon. Friend himself, were grateful for the patient hearing which had been given him. At first it was intended that the only speech to be delivered in addition to that of the hon. Member for Meath was one from the right hon. and learned Member for Clare (Sir Colman O'Loghlen), now, unfortunately, absent, but who had been counsel for John Mitchel on his trial, and could prove that the jury had been selected as completely and effectually as if the Crown had a right to pick its chosen 12 out of the whole community. He had it from the lips of the right hon. and learned Member himself that, were he present, he would have stated a cir-

cumstance which had a bearing on this system of jury manipulation. Feeling ran high at the time, revolution was astride all over Europe, and some of Mitchel's sympathizers out-of-doors resorted to a course—he did not know how it should be described in Parliamentary language—but he might be allowed to call it "squaring a juror." An Orangeman was bought over, and when he was about to get into the box, "Here," said one of the prisoner's friends, "is a man who will split the jury." Mitchel overheard the remark, insisted that the man should be challenged, and would not allow him to go on the jury. That was the act it might be of a felon, but he would say of a high-minded and honourable man. John Mitchel's politics need not be referred to here; he stood apart from the attitude which almost all his countrymen had taken. But John Mitchel was a constituent of the hon. and learned Member for Londonderry, and when his hon. and learned Friend rose to speak in the name of Ulster or Derry, and to tell the House to be of good cheer, because Derry was sound to the core and he was its Representative, he forgot that John Mitchel was a Derry man, and that whenever there was a crop of political felons and traitors in Ireland, it was Protestant Ulster that supplied the leader. John Mitchel was the son of an Ulster Unitarian minister, and John Martin, his comrade, was a staunch Presbyterian of "the Black North." He warned the House, in opposition to the hon. and learned Member for Derry, to beware of Ulstermen.

MR. P. J. SMYTH said, that when complaints were made that Mr. Mitchel took leave of his jailors without due ceremony, it was obviously right that the House should understand the mode in which he was deprived of his liberty. Mr. Mitchel, in his early public life, was the ally of O'Connell in his legal and constitutional agitation for Repeal of the Union. When the potato failure occurred he took an active part in the deliberations of the Irish Council—a body composed of some of the leading landed proprietors of Ireland, whose object was to suggest to the Government practical measures to avert a terrible calamity. In 1848, believing the Government of the day had abandoned the people to their fate, he did preach the doctrine of rebellion, and thus forced the

Executive to bring him to trial. But he (Mr. Smyth) contended that when he was put through the form of a trial, he should have received the reality of a trial, and the evidence adduced by the hon. Member for Meath (Mr. John Martin) proved conclusively that he had no trial according to law, and that, guilty or not guilty, he was unjustly convicted and sentenced to 14 years' transportation. In pursuance of that sentence he was conveyed first to Bermuda, then to the Cape of Good Hope, and finally delivered into the hands of the authorities of the then penal colony of Van Diemen's Land. When he (Mr. Smyth) arrived in that country, in 1853, he found each of his friends—the Irish State prisoners—in the possession of what was termed comparative liberty, within the limits of a particular district assigned him by the Government. By this arrangement the Government was relieved of the necessity of guarding these prisoners, which would have been a work of enormous difficulty, and of the cost of maintaining them, and the parole made each of them, practically, his own jailor. While the ordinary ticket-of-leave holder had the range of the whole island, and might settle in any district where he could best earn his bread, and escape altogether whenever he got the chance, the Irish prisoner was his own jailor, within a limited district, where he was left to maintain himself from his private resources. The conditions of the parole contract were that either party might terminate it at any moment; but that while it endured, the prisoner should have all the freedom of an independent settler within the district, and should not attempt to escape. It was the right—it was the duty of man, a prisoner, to seek liberty, and military annals furnished them with several instances where strict military parole had been evaded. But he knew of no instance where a military prisoner on parole of honour was subject to surveillance. Two instances he would mention illustrative of the spirit in which the parole contract was interpreted by the convict authorities. On one occasion, Mr. Mitchel, his wife, sons, Mr. Martin, and himself (Mr. Smyth), were spending the evening at the house of a gentleman in Bothwell—a magistrate of the island—their host happening to open the parlour door, found an armed constable

outside, evidently listening to the conversation within. That constable was there as a detective—a spy on Mr. Mitchel, and this while Mr. Mitchel was, presumably, free on his parole. On another occasion he (Mr. Smyth) was arrested at Spring Bay, opposite Maria Island, in mistake for Mr. Mitchel, the police magistrate of the place and his constables assuming that Mr. Mitchel could only be there for the purpose of escaping, and this while Mr. Mitchel was on his parole not to escape. To break a parole was one thing—to resign it, and to do so openly was quite another; and it were well if public writers in this country—and even some hon. Members of that House—would note the difference. The only evidence before the House—if evidence at all it be—that Mr. Mitchel ever attempted to escape from any place, was contained in the letter of Mr. Davis, assistant police magistrate of Bothwell. It was written immediately after their unwelcome visit to his office, and the poor man was naturally anxious to excuse himself as best he could for having allowed the prisoner to slip through his fingers. Mr. Davis was not now living, and he (Mr. Smyth) passed over the insulting expression in which he closed what he presumed he might call his despatch; but in justice to Mr. Mitchel and to himself, he felt bound to say that his statement that he could not peruse Mr. Mitchel's note to the Governor was untrue. What occurred was precisely this—Mr. Mitchel handed a copy of his note of four lines, open, to Mr. Davis, saying—“This is a copy of a note which I have sent to the Governor, resigning my parole.” Mr. Davis read the note, then looked much confused. “The purport of that note,” repeated Mr. Mitchel, “is clear. It is a resignation of my parole, and I am free now to escape.” He (Mr. Smyth) then said—“Mitchel, you have done your part,” and they turned and left the office, pursued by Mr. Davis, his clerk, and the office constables, shouting lustily. They reached their horses, and rode away furiously, as Mr. Davis said. Had Mr. Davis acted with ordinary energy, Mitchel would have been seized in the office, and a struggle would have ensued, in which the advantage in point of force would have been as two to one in favour of the magistrate. The plan thus executed had the approval of the late Mr. Smith O'Brien—for 20 years a

respected and not undistinguished Member of that House—and of all Mr. Mitchel's companions. Throughout the Colony, where all the facts and circumstances connected with the escape were fully known and understood, its perfectly fair and honourable character had never been impugned. On the contrary, it was freely admitted on all sides, by the partizans as well as by the opponents of the Government of Sir William Denison, that Mr. Mitchel had given his magistrate a fair opportunity to arrest him, and that more he was not called upon to do. Three or four days after the occurrence, he (Mr. Smyth) appeared openly in Hobart Town, and no hand was laid upon him—a tacit admission that in the opinion of the Colonial Government the work was cleanly done, and that the blame rested rather on the shoulders of assistant police magistrate Davis, than on that of the person named Smyth. Before his arrival in Van Diemen's Land, Mr. Mitchel had no thought of escaping. The suggestion was his (Mr. Smyth's) the plan was his, the execution was partly his; and as, according to the Colonial Law, all the penalties of the escape attached to him, so before the House and the country he accepted all the moral responsibility of that act.

Mr. JOHN MARTIN said, that he was quite satisfied with the discussion of the subject which he had brought before the House, and he would therefore withdraw his Motion.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

METROPOLIS—CLEANSING OF PAVEMENTS.—QUESTION.

SIR WILLIAM FRASER asked the Secretary of State for the Home Department, What orders, if any, are given to the police as regards enforcing the cleansing of foot-pavements in the Metropolis; what steps are taken to enforce penalties against inhabitants for not obeying the Law; and, what means are used by the superior officers of the police to observe whether the constables do their duty? The hon. Baronet said, that owing to the snow-fall, they had, last Wednesday, a strong illustration of the inconvenience of the present system. There was understood to be a legal diffi-

Mr. P. J. Smyth

culty in regard to uninhabited houses, and there was also some obscurity in the law with reference to the foot-pavement in front of the Royal palaces; but in so far as the mass of the inhabitants was concerned, there ought to be no doubt on this subject.

Mr. ASSHETON CROSS said, it was quite true that the Act of the 2nd & 3rd *Vict.* did impose upon the occupiers of house property in London the duty of keeping the foot-path swept and cleansed—a duty which probably some of them were not fully aware of. But then his hon. Friend asked him why the police did not do their duty by enforcing that law. His answer was, that there was no such duty imposed upon the police by the Police Act. This matter was some time ago questioned, and the opinions of very eminent lawyers taken, and they, having regard to the different sections of the Act, gave it as their opinion that there was no duty imposed upon the police to see that the law was put in force. He might add, however, that another Act of Parliament did, to a certain extent, impose this duty upon the district boards or vestries. What the police really did was this—they did not see that the foot-pavement in front of every house was swept; but they issued notices warning the people of what was required of them by the Act, and they placed their services at the disposal of the district boards or vestries if they chose to put the law in motion. By the law as it present stood, the duty did not devolve upon the police, in the first instance, of setting the law in motion. He some time ago gave instructions that every possible facility should be given by the police for putting the law in motion, but beyond that, he had no power to go.

Motion, by leave, *withdrawn*.

Committee *deferred till Monday next*.

House adjourned at a quarter before Nine o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 1st March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Registry of Deeds Office (Ireland) * (25).
Committee—Elementary Education Provisional Orders Confirmation (Caister, &c.) * (14).

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL.
THE APPELLATE JURISDICTION OF
THE HOUSE OF LORDS.
NOTICE OF AMENDMENT.

LORD REDESDALE said, that as their Lordships were anxious to know what course was proposed to be pursued, he had been requested by the Duke of Buccleugh to give Notice of his intention, on the House going into Committee on the Supreme Court of Judicature Act (1873) Amendment Bill, to move the following clause, in order to take the sense of the House upon the question of retaining their appellate jurisdiction :—

"That so much of Section 20 of the Supreme Court of Judicature Act, 1873, as provides that no error or appeal shall be brought from any judgment or order of the High Court of Justice or the Court of Appeal to the House of Lords is hereby repealed, and there shall be such an appeal to the House of Lords as is hereinafter provided."

LORD PENZANCE : My Lords, in the event of the clause of which Notice has just been given being agreed to, I beg to give Notice that I shall move that the House resume, in order that I may propose the following Resolutions :—

1. "That this House shall henceforth adopt its ancient usage in appointing such Lords as it considers most able to discharge its judicial functions 'triers' of the causes referred to it for adjudication."

2. "That legislative sanction be obtained for the hearing of causes by such 'triers' during any prorogation or dissolution of Parliament."

3. "That provision be made whereby the House may obtain such assistance from the Judges of the Supreme Court of Judicature as may maintain its present and secure its permanent efficiency as the Court of Ultimate Appeal for the United Kingdom."

METROPOLIS WATER SUPPLY.

QUESTION.

EARL CADOGAN asked, Whether it is the intention of Her Majesty's Government to take any steps or introduce any measure during the present Session with a view to obtaining a better and purer supply of water for the Metropolis? The noble Earl said, it was admitted that the water supply of the capital was not what it should be, and it would not be so till the water was obtained from other sources. The principal offender in respect to the quality of water supplied to the metropolis was the Chelsea Water Works Company. The quality of that

Company's supply had been condemned in several official reports which had been brought under the notice of the Local Government Board. The Company had a Bill at present before Parliament for the purpose of enabling them to effect certain improvements in their works which would enable them, to some extent, to remedy the evils complained of; but he submitted that it was the duty of the Government to introduce a measure calculated to prevent the recurrence of such a state of things as now existed.

LORD BELPER said, that as one of the unfortunate persons supplied by the Chelsea Company he could endorse the statement that the water supplied by that Company was unfit for consumption; and he thought that pressure should be brought to bear upon them to improve the supply.

THE DUKE OF RICHMOND replied that the question involved in the noble Earl's inquiry was a very large one, for it amounted to an inquiry whether it was the intention of the Government to take over from the Companies the water supply of the metropolis. In answer to that part of the Question he could say that it was not the intention of the Government to introduce any measure for the purpose. With regard to the Chelsea Water Works Company, the state of the water supplied by it had been for some time the subject of consideration by the Local Government Board, and the result of the communications which they had addressed to the Company was, that the Company had brought a Bill before Parliament to enable them to take their water from a higher, and therefore purer, part of the river and to construct a new reservoir, and thereby to improve both the quantity and quality of the water they supplied. Until the fate of that measure was ascertained, it would be premature for the Government to propose any compulsory powers with regard to the Company. He might remind their Lordships that the Bill introduced by this Company two years ago with a similar purpose was thrown out by their Lordships on the second reading. Residing in the same district, and being supplied with the same water as the noble Lord (Lord Belper), he could assure his noble Friend that he was quite as desirous for the improvement of the Company's water as his noble Friend himself could be.

COUNTY AND BURGH CONSTABULARY
(SCOTLAND).—QUESTION.

THE EARL OF MINTO asked Her Majesty's Government, Whether they propose to introduce any Bill for the purpose of providing pensions and superannuation allowances for the county and burgh constabulary of Scotland? That was a question which frequently—almost annually since 1867—he put to the Government of the day; but to which he had hitherto always failed in getting anything like a distinct answer. When he first asked the Question, the noble Lord who then represented the Government in that House told him that it was a subject of great interest, and should be considered; and the next year he asked the Question again, when he was told that it had been carefully considered, or was in the course of careful consideration. A year or two afterwards, when he asked the same Question, the noble Earl (the Earl of Morley) who then answered for the Home Office, said, that the subject was under the favourable consideration of the Government. That, he believed, was in 1872; when in the following year he repeated the Question, his noble Friend stated that the question was one connected with the great question of local taxation, and that they were under the necessity of postponing the subject. Now, he fully believed, the late Government were in favour of doing something in this direction, yet he could not help being under the impression that they had somewhat temporized on this question. He would remind his noble Friend (the Duke of Richmond) that all the late Inspectors of the Police and Customs, and a very large number of the present Inspectors, had reported in favour of granting these pensions and superannuation allowances.

THE DUKE OF RICHMOND said, he quite admitted the importance of the question, but he was afraid he could not go as far as the Earl of Morley had been able to do, and say it was under favourable consideration; all he could say was, it should be taken into careful consideration. He must remind his noble Friend that superannuation really meant adding to the rates. He knew very well that his noble Friend was a great advocate for granting these pensions; but he must bear in mind that it was an addi-

tion to the money taken out of the pockets of the ratepayers.

ESTABLISHED CHURCH OF SCOTLAND.
QUESTION.

THE EARL OF MINTO having given Notice of his intention to ask Her Majesty's Government, Whether they intend to introduce a Bill, or to propose the appointment of a Commission or Committee of Inquiry, or to adopt any other means for ascertaining, adjusting, and fixing with greater precision than the existing law admits of, the pecuniary liability of the lands in the various parishes of Scotland for the maintenance of the Established Church—

THE DUKE OF RICHMOND said, that in the absence of the Lord Advocate from illness, he must ask his noble Friend to postpone his Question. It was one still more complicated than the last, and he would give an answer after due consideration.

THE EARL OF MINTO answered that, in consequence of this request, he would be glad to postpone his Question.

House adjourned at half-past Five
o'clock, 'till To-morrow, half-
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 1st March, 1875.

MINUTES.]—SELECT COMMITTEE—Loans to Foreign States, *nominated*.

PUBLIC BILLS—*Ordered—First Reading*—Peace Preservation (Ireland)* [77]; Matrimonial Causes and Marriage Law (Ireland)* [79]; Dean Forest and Hundred of St. Briavels* [78].

Second Reading—Police Magistrates (Salaries)* [75].

Committee—*Referred to Select Committee*—Epping Forest* [52].

Committee—Report—Land Drainage Provisional Order* [66].

Third Reading—Common Law Procedure Act (1852) Amendment* [33], and *passed*.

POST OFFICE—

PENINSULAR AND ORIENTAL STEAM
NAVIGATION COMPANY'S CONTRACT.

QUESTIONS.

MR. EUSTACE SMITH asked the Postmaster General, If he can state to the House how often during the months

of November and December the Peninsular and Oriental Company delivered the outward Mails at Bombay after the contract time; the amount of penalties to which they became liable, and whether it is his intention to enforce such penalties?

LORD JOHN MANNERS, in reply, said, that the mails were delivered at Bombay by the Peninsular and Oriental Steam Navigation Company five times after the contract time during the months of November and December last. On three of those occasions the delay arose from damage to the vessel or machinery, and, consequently, in the terms of the contract, the company were not liable to penalties. The penalties incurred in the two other cases, amounting to £400, would necessarily be enforced, the terms of the contract leaving the Postmaster General no option in the matter.

MR. GOLDNEY asked the Postmaster General, If he will state the number of Mails delivered at Bombay since the 1st of August last under the Peninsular and Oriental Company's amended Contract of that date; how many of them have been delivered within the time prescribed and how many beyond it; if any premiums are due to the Company for early deliveries; and, whether in cases where penalties have been incurred for late deliveries, the Postmaster General has any information as to the delays having arisen from causes beyond the control of the Contractors, and which would have relieved them from penalties under the previous Contract of August 1870?

LORD JOHN MANNERS, in reply, said, that the number of mails delivered at Bombay since the commencement of the Peninsular and Oriental Steam Navigation Company's contract of the 1st of August last (for which Official Returns had been received) was 20. In 14 cases out of the above number the mails were delivered within the prescribed contract time, and on six occasions after time. No premiums were payable to the company under their present contract for the delivery of mails within time. In three out of the six cases of excess of time the delay arose from accidents to machinery, and no penalties were leviable. In two other cases the delay arose from causes beyond the control of the contractors, which causes would, under the previous contract of August, 1870, have

relieved the contractors from the penalties. In the sixth case the excess of time was six hours only, and no penalty was incurred.

POST OFFICE—DUBLIN AND LONDON MAILS.—QUESTION.

MR. SULLIVAN asked the Postmaster General, If it is true that quite recently the "Registered Letter Bag" between Dublin and London, containing, besides other remittance inclosures, the Dublin bankers' daily letters on their London houses, covering nearly £200,000 in drafts and securities, was lost in transit, having been quite overlooked on board the Mail Packet at Holyhead, where it was subsequently discovered; whether he is aware of the serious uneasiness which this occurrence, and the excuse given for it, have caused amongst the banking houses in Dublin; and, what special steps, if any, he proposes to take to give the bankers of Dublin confidence in the safety of the "Registered Letter Bag" which conveys their remittances to London?

LORD JOHN MANNERS: Sir, on the night of the 16th of November last, the registered letter-bag from Dublin for London was accidentally left behind on board the packet at Holyhead, the night being very dark and a perfect gale of wind blowing at the time. The bag was sent on to London in charge of the guard by the next train, and the letters in it were delivered about 2 o'clock in the afternoon. A similar irregularity has not been known, at least, within the last 10 years. Nothing is known of the contents of the letters enclosed in this registered letter-bag. Only one complaint was made to the Department respecting it—namely, from the Royal Bank of Ireland; and after the matter was explained to the bank in question, nothing further was heard on the subject; and it is not known that any uneasiness exists among the banking-houses in Dublin in consequence. To prevent a similar occurrence, the responsible officer in the packet post office has been instructed on arrival at Holyhead at once to take the registered letter-bag himself and give it into the hands of the officer in charge of the travelling post office.

INLAND REVENUE ACT—GRAIN FOR CATTLE (IRELAND).—QUESTION.

MR. RICHARD POWER asked Mr. Chancellor of the Exchequer, If he has any objection to extend to Ireland the Clauses of the Inland Revenue Act, 33 and 34 Vic. c. 32, allowing the germination of grain for feeding purposes for cattle?

THE CHANCELLOR OF THE EXCHEQUER in reply, said, that at the time the privilege was granted to England to germinate grain for feeding cattle, it was not thought it would be likely to be of much value in Ireland, on account of the abundance of green food obtainable there. There had never been much demand for either malt or grain for feeding purposes; but an objection had been made that, in consequence of the illicit malting in certain parts of Ireland, and the extreme difficulty of controlling it in regard to more distant parts of the country, it was considered that the permission might be abused, or, at any rate, very great vigilance would be required to prevent the privilege from being abused. He was afraid, therefore, that the Government could not safely recommend its extension from England to Ireland.

POLICE SUPERANNUATION.

QUESTION.

MR. BOLCKOW asked the Secretary of State for the Home Department, Whether he intends to introduce, during the present Session, a measure for Police Superannuation?

MR. ASSHETON CROSS, in reply, said, that the question was, no doubt, of some importance; but he did not think that the Government were yet in full possession of all the facts of the case, and it was therefore his intention to move the appointment of a Committee to consider the matter, in the hope of dealing with it that Session, if possible, after the Committee should have reported.

NATIONAL SCHOOL TEACHERS (IRELAND).—QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, If he would state to the House what was the total amount earned by National School Teachers of

all classes in Ireland for results fees in the year 1872, and what portion thereof was actually paid on or before the 31st December 1872; what amount was similarly earned in 1873; and, what was the total amount paid to teachers on or before the 31st December 1873 for results fees?

SIR MICHAEL HICKS-BEACH, in reply, said, that from its expensive character, and on account of the time necessary to obtain it, he was sorry he could not give all the information desired by the hon. Member; but, as regarded the amount earned by National School teachers of all classes in Ireland, he might state that for the financial year, information was given upon the subject in the Reports already presented to the House by the Commissioners of National Education. For the financial year 1872-3, the amount paid for results fees to National School teachers was £76,028; for the financial year 1873-4, the amount was £101,620; and he believed that for the financial year 1874-5, it would be about £118,000.

ROYAL IRISH CONSTABULARY—PENSIONERS.—QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, Whether the attention of Her Majesty's Government has been directed to the complaints of the Royal Irish Constabulary Pensioners who retired previous to the year 1870, namely, that such Pensioners are not in receipt of the pensions to which they are legally entitled under sec. 3 of the Act 10 and 11 Vic. c. 100; and, whether it is intended by Her Majesty's Government to place such Pensioners on the same footing as Pensioners who retired in 1871 and 1872, or to remedy in any other and what manner the grievances complained of?

SIR MICHAEL HICKS-BEACH, in reply, said, so far as he was aware, the complaints of the Irish Constabulary pensioners had reference to one point—that those who retired before the passing of the Act last year retired upon a lower scale of pension than that which the Act of last year sanctioned. He did not precisely understand the Question of the hon. Member; but he might inform the hon. Member that those pensioners who retired in 1870 retired on precisely the same footing as those in 1871 and 1872.

**ELEMENTARY EDUCATION ACT—
LOANS TO SCHOOL BOARDS.**

QUESTION.

MR. TREMAYNE asked the Vice President of the Council, Whether his attention has been drawn to the unnecessary expense which is entailed upon School Boards in rural districts by the requirement of the Public Works Loan Board that all payments of principal or interest of loans, advanced by the Board for building or other purposes, shall be made personally at the Bank of England, either by the treasurer of such School Boards or by some banker or agent, in cash or Bank of England notes; and whether he will consider in what way this mode of payment may be simplified and rendered less expensive; and whether he is prepared to introduce measures which will diminish the expenditure (at present unavoidable) upon elections to School Boards, in rural parishes, and upon the audit of their accounts?

VISCOUNT SANDON: Sir, with reference to the first Question of my hon. Friend, I beg leave to say that the Education Department will be glad to communicate on the matter, to which he has called my attention, with the proper authorities. No complaint has hitherto reached me on the subject, and the Government will be happy should it be able to meet the point to which the hon. Member has referred. In reply to his second Question—that is, the expenditure on the elections of rural school boards—I need hardly inform him that we have received serious complaints. I cannot, however, say that the Government are prepared to introduce a measure for the purpose of securing the desirable objects which he has mentioned; but I can assure him that the subject has been much considered by the Department, although no way of meeting the difficulties of it has been at present arrived at. I shall be glad to receive any suggestions which my hon. Friend or any other hon. Member may be so good as to favour me with on this subject.

**MERCHANT SHIPPING ACT—
THE MERCANTILE MARINE—CERTI-
FICATION OF FOREIGNERS.**

QUESTION.

CAPTAIN PIM asked the President of
VOL. CCXXII. [THIRD SERIES.]

the Board of Trade, If it is the fact that foreigners who are not naturalized as British subjects have been permitted to pass the Board of Trade Examination for masters, for mates, and for engineers in the Mercantile Marine of this Country, upon certificates of service in foreign ships, in contravention of the Merchant Shipping Acts which especially define the amount of service in the various grades in which the applicant must have served on board British ships before he can claim to be examined; if it is the fact that the Board of Trade is not in a position to verify the certificates of such applicants; if it is the fact that these certificated foreigners, owing allegiance to foreign states, are now serving as masters in command of British merchant ships, as mates in British merchant ships, and as engineers in British merchant ships, in considerable numbers, exercising authority under the Union Jack; and, if it is the fact that any of the above-named foreigners have been permitted to change their names and have had commissions in the Royal Naval Reserve conferred upon them?

SIR CHARLES ADDERLEY: It is true, Sir, that foreigners not naturalized have been certificated as masters, mates, and engineers in the Mercantile Marine, and some on certificates of foreign service, chiefly Swedes and Danes. It is not true that this is in contravention of the Merchant Shipping Acts. The Board of Trade, by the Act of 1854, lay down rules for the qualification for certificated officers. The hon. Member for Gravesend probably has confused this with Section 135, which provides for certificates of service existing before the Act. This service must have been passed on board a British ship. No nationality is defined either in the competency or service examination. It is not the fact that the Board of Trade is not in a position to verify certificates of foreigners who pass their examination. The regulation requires testimonials which cannot be verified by the Registrar General to be verified by the Consul of the country or some recognized official authority. It is a fact that commissions in the Royal Naval Reserve have been granted to two officers of foreign birth. One became naturalized and changed his name. Another, a Swiss, had always sailed in British ships and his domicile was in England. Henry Count Bathyani is

an honorary lieutenant in the Royal Naval Reserve.

EXHIBITION OF 1851—REPORT OF THE COMMISSIONERS.

QUESTION.

MR. DILLWYN asked the Secretary of State for the Home Department, Whether the Commissioners for the Exhibition of 1851 have made any Report to him, for the purpose of being laid before Her Majesty for her approbation, since the last published Report dated August 15, 1867?

MR. ASSHETON CROSS, in reply, said, he was informed that the Commissioners in question had made no Report since the last published Report, dated August 15, 1867.

NAVY—SALE OF WOODEN SHIPS OF WAR.—QUESTION.

MR. E. J. REED asked the First Lord of the Admiralty, Whether it is true that the Admiralty has entered into a Contract with a firm of Shipbreakers for the sale of a considerable number of wooden vessels of Her Majesty's Navy; and, if so, whether any public notice of the intention to sell was given; and if he would state to the House why the ships were not offered for sale by public auction, according to the late practice of the Admiralty; whether the Purchase Department made the Contract in question, as usual; and, if not, who made the Contract; and, whether he would lay upon the Table of the House a list of the vessels sold and the contract prices?

MR. HUNT: Sir, the Purchase Department has agreed with Messrs. Castle for the sale to them of 35,000 tons of old ships at various rates per ton, according to the class of ship. No public notice was given of the intention to sell, except by statement in the House last year as to the desirability of disposing of unserviceable ships, which led to Messrs. Castle's proposal. No particular ships were named in the agreement with that firm; but a schedule of ships has since been made out, and will be part of the formal contract. Ships have been sold by the Admiralty of late years in three different ways—namely, by public auction, by tender, and by private treaty, and experience has shown that the best

terms have by no means always been obtained by auction sales. If the hon. Gentleman likes to move for a copy of the contract, it will be laid on the Table.

THE NATIONAL GALLERY—EXTENSION OF SITE.—QUESTION.

MR. BERESFORD HOPE asked the First Commissioner of Works, Whether the site for the enlargement of the National Gallery in Trafalgar Square has been acquired by the Government; and, if so, how long this site has been at the disposal of the Government, and what has been the total cost of its purchase?

LORD HENRY LENNOX: Sir, from the terms of my hon. Friend's Question, I hardly know what is the precise information he seeks for. I had, therefore, better tell my hon. Friend all that has occurred in regard to the site for the enlargement of the National Gallery. Mr. Barry was appointed architect of the National Gallery in 1868, and in 1869 he proposed plans for its rebuilding in sections. Between 1869 and 1873 a piece of ground containing 53,000 square yards was purchased, and, of this, 11,500 square yards were to be given up to the improvement of the approaches, and the remainder allotted to the two first sections of Mr. Barry's plan. The first, which occupies 25,000 square yards, is now completed, and the second, which occupies the remaining 17,000, is ready for the Government or Mr. Barry to work upon at any future period. With regard to the two remaining sections, they comprise the space now occupied by the barracks and the front façade of the Gallery in Trafalgar Square. Whether the barrack square is to be given up to the purpose designated in the Question will depend not so much upon the First Commissioner of Works as upon the Secretary of State for War.

MR. BERESFORD HOPE said, he would remind the noble Lord that he had not answered about the cost.

LORD HENRY LENNOX said, he must apologize to his hon. Friend, but he fancied he was too æsthetic in his tastes to care much about the question of cost. [MR. BERESFORD HOPE: Very much, indeed.] In that case, he would tell him that the cost of acquiring the area for the first and second section amounted to £140,861.

Sir Charles Adderley

REGIMENTAL EXCHANGES BILL—
THE REGULATIONS.—QUESTIONS.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State for War, Whether he will introduce a Clause in the Regimental Exchanges Bill to provide for the regulations which may from time to time be issued regarding exchanges from one regiment or corps to another regiment or corps being annually laid before Parliament; also a nominal roll of all officers permitted to exchange, with their rank, corps, and duties, and grounds on which the exchanges have been authorized?

MR. GATHORNE HARDY, in reply, said, the Queen's Regulations referred to by the hon. and gallant Member were perfectly accessible to all the world. Therefore, there was not the slightest necessity for laying them on the Table of the House. With regard to the nominal roll of officers permitted to exchange, it had never been the custom to lay it before the House, and it was not his intention on the present occasion to vary the custom.

MR. O'REILLY asked the Secretary of State for War, Whether, if the Army Exchanges Bill becomes law, he intends to sanction exchanges between officers in cases in which payments for this purpose shall have been made by an officer junior to one of the officers exchanging; and, if not, what steps he proposes to take to prevent such payments being made?

MR. GATHORNE HARDY, in reply, said, it was a little inconvenient to be asked Questions which to some extent involved argument. He did not altogether admit that what the hon. Member supposed to have occurred in times past would occur hereafter. The responsibility of making regulations for the exchanges, in case the Bill passed, would rest with the War Office, and they would be so framed as in every possible way to prevent anything in the shape of purchase. If this object was not attained, it would be competent for any hon. Member to call the attention of the House to the subject with a view to remedy.

HOUSE OF COMMONS—OFFICE OF SERGEANT-AT-ARMS.—QUESTION.

MR. PEASE asked the First Minister of the Crown, Whether, as various re-

ports had got abroad in reference to the matter, he could give the House any information as to the reported resignation by Lord Charles Russell of the office of Sergeant-at-Arms?

MR. DISRAELI; Sir, the appointment of Sergeant-at-Arms is in the gift, and entirely in the gift, of Her Majesty the Queen. There is no person, whatever his position, in this House who has any influence whatever in that appointment; but I have been commanded by the Queen to state that, being aware of the strong, not to say unanimous, feeling of the House of Commons on the subject, Her Majesty, as a gracious favour to Her faithful Commons, has been pleased to appoint to the office the gentleman who is at present Assistant Sergeant-at-Arms.

ORDERS OF THE DAY.

Orders of the Day postponed till after the Notice of Motion relating to the Peace Preservation (Ireland) Acts.—(*Mr. Disraeli.*)

PEACE PRESERVATION (IRELAND)
BILL.

LEAVE. FIRST READING.

SIR MICHAEL HICKS-BEACH, in rising to call the attention of the House to the Statutes generally known as the Peace Preservation (Ireland) Acts, and to move for leave to introduce a Bill, said: In conformity with a paragraph in Her Majesty's Speech, and with the undertaking given to the House by the Prime Minister last year during the debate on the annual Continuance Bill, I now rise to call attention to the Peace Preservation (Ireland) Acts, and to state to the House the proposals which Her Majesty's Government have to make with regard to that subject. I will not conceal from myself the difficult and serious nature of this question. I am convinced, on the one hand, that a feeling is entertained by every hon. Member of this House—and I can assure hon. Members from Ireland that it is entertained as fully by Members of Her Majesty's Government as by anyone else—that, as soon as possible, Ireland should be placed in this matter upon an equality with the rest of the United Kingdom. But, on the other hand, we feel that on us, as the Government of the country, rests the responsibility of maintaining peace and good order in Ireland, and we shall

not shrink from any proposal which we may think necessary to secure that result. Now, I think it will be convenient to the House if I first direct their attention to the provisions of the Acts at present in force relating to this subject. I will do so without travelling into minute details. I will merely give them the main points of those measures. The Acts in question are four in number—first, the Crime and Outrage Act, 1847, amended and continued by various subsequent Acts of Parliament, and continued by an Act of last Session until the end of December of the present year; secondly, the Peace Preservation Act, 1870; thirdly, the Protection of Life and Property Act, 1871, both of which are now fixed to expire, I think, on the 1st of June this year; and, fourthly, the Unlawful Oaths Act. That Act, like the Crime and Outrage Act, was continued by the Continuance Act of last year to the end of the present year. Now, the provisions of the Crime and Outrage Act relate mainly to two matters. First of all, they enable the Irish Government to enforce, in certain proclaimed districts, restrictions upon the free possession of arms; and, secondly, that where in such districts it may seem necessary additional police may be sent there, and their expense may be charged upon the district to which they are sent. The provisions of the Peace Preservation Act, 1870, have, however, practically superseded the Crime and Outrage Act, 1847, with reference to restrictions upon the free possession of arms. The Peace Preservation Act is divided into three parts; one applies to the whole of Ireland, another is applicable to such part as may be ordinarily proclaimed, the third is only applicable to such part as may be specially proclaimed. The clauses of the Peace Preservation Act which are in force in the whole of Ireland relate to these matters—they authorize the Lord Lieutenant, after warning, summarily to seize the press and type of a newspaper containing treasonable or seditious matter, subject to the verdict of a jury after seizure; they impose restrictions upon the makers of gunpowder and the dealers in that article; they provide for the arrest of absconding witnesses, and they empower the Grand Juries to grant compensation to persons injured in the case of murder or injury from an agra-

rian or illegal combination. The parts of the Peace Preservation Act which apply to ordinarily proclaimed districts relate to restrictions upon the free possession of arms. They make the law on that point more stringent than the Act they supersede. They impose the necessity of special licences for revolvers; they increase the penalty for improperly having arms without a licence to so high a punishment as two years with hard labour; and they forbid gunpowder and arms to be sold to anyone except persons holding a licence for the possession of arms. There are also two other clauses—one empowering a magistrate in a proclaimed district in Ireland to investigate any felony or misdemeanour on oath, even although no person should be charged before him with the offence; and another empowering magistrates to issue search-warrants for handwriting in the houses of persons suspected of having written any threatening letter. These provisions are applicable to any part of Ireland proclaimed by the Lord Lieutenant in Council; and they are now applied to the whole of Ireland, with the exception of County Tyrone and portions of Antrim, Donegal, Down, Fermanagh, and Derry. The remaining portion of the Peace Preservation Act, 1870, contain provision which are only applicable to specially proclaimed districts. They empower the arrest of persons out at night under suspicious circumstances, the closing of public-houses in such districts by the Lord Lieutenant, and the arrest of all strangers unable to give a proper account of themselves. These latter provisions have been applied only to a few parts of Ireland. When the present Government came into office we found they were applied to the town of Belfast, to County Mayo, County Meath, part of County Westmeath, small portions of Cavan, King's County, Limerick, Tipperary, and Clare. We have, after consultation with the magistrates of these counties, revoked the special proclamation in all these places with the exception of Meath, Westmeath, those portions of Cavan and King's County which immediately border on them, and a small district in Clare. The third Act to which I referred, the Protection of Life and Property Act, applies only to Westmeath and portions of Meath and King's County, and it gives the Lord

Sir Michael Hicks-Beach

Lieutenant the power of applying in that district its provisions, which enable him to arrest and detain in prison, without trial, persons suspected of complicity with the Ribbon system. The remaining Act, the Act against Unlawful Oaths, has been renewed from time to time, and it makes a connection with the Ribbon Society, or any of the other secret societies illegal. Having mentioned to the House the main provisions of these Acts, let me state shortly how they have been enforced. I think it will hardly be disputed that the law I have described is of a stringent and exceptional nature; but I also think it will be admitted that it has been prudently and fairly administered. I may speak not only on behalf of the present Government on this matter, but I think also on behalf of our predecessors. I think it is no more than my duty to express my sense of the personal care and attention with which Lord Spencer, the late Viceroy of Ireland, carried out the provisions of these Acts in that country, and having had the advantage of some experience in this matter, I may also say that my noble Friend opposite (the Marquess of Hartington) deserves all praise for the fairness and firmness of his administration, often under very critical and difficult circumstances. I will now state shortly, as far as that can be done by figures, what has been the operation of these Acts in Ireland during the past year. And, for a moment, I will refer to the Peace Preservation Act rather than to the Protection of Life and Property Act or the Unlawful Oaths Act. I will leave them to be dealt with at a later period. I find that in the whole year 1874 there were under the provisions of the Peace Preservation Act 144 cases of seizure of arms unlawfully carried or had; that for these offences 38 persons were summoned, 14 arrested, and 10 of these 14 were discharged; that of these cases 10 were prosecuted at the Quarter Sessions and 9 at the Assizes. Under the provisions of the 15th clause of the Peace Preservation Act there were 9 searches made for handwriting with reference to threatening letters in the whole of Ireland in 1874; 36 persons were arrested in a specially proclaimed district under the statute for being out at night under suspicious circumstances; 4 of these were

committed to gaol under sentence of imprisonment, 12 strangers were arrested under the 25th section of the Act, and of these 2 only were committed to gaol. Four warrants were issued pursuant to Section 38 for the arrest of witnesses absconding, although they were bound by recognizances, and 3 of these persons were arrested. These figures, I think, at any rate show that during that year these Acts have been leniently and carefully administered; and with regard to the last quarter, ending December 31, 1874, I can state figures which show that this course is still being followed. During that quarter there were only 20 seizures of arms. Only 1 person was arrested for the offence of unlawfully having arms. Only in 1 case under these provisions was there a conviction at Quarter Sessions. There were only 4 searches for handwriting; 2 persons were committed to gaol for being out at night under suspicious circumstances; 4 strangers were arrested; and 1 absconding witness was arrested. No doubt those who will speak on this question will state—and I am quite willing to admit—that exceptional cases may be adduced in which, under these Acts, magistrates may have been injudicious, or the constabulary may have been overzealous; but I hope the House will not forget that whenever this has happened the most has been made of it by writers in the Irish Press and by speakers in this House. I do not believe, however, that, taking everything into consideration, any other instance could be adduced of a case where such stringent powers were placed in the hands of magistrates and constabulary and where they have been so little abused. I have quoted these facts with a view to place before the House the actual working of these Acts during last year; but I do not by any means intend to bring them forward as an argument for their further continuance. The question whether they should be entirely or to any extent further continued must depend upon the state of the country and the special necessity which exists for their continuance; and it is to that, Sir, that I shall now venture to direct the attention of the House. And first, with regard to ordinary crimes. Everybody connected with Ireland—and in saying this I may venture to anticipate the speeches which will, doubtless, come in large numbers from the opposite side

of the House—may, I think, be proud and thankful to notice the small amount of ordinary crime in that country. Ireland, I am thankful to say, is comparatively free from cases of theft, from immorality, and from those cases of brutal violence which too often disgrace the criminal records of England. I do not say that such cases are unknown in Ireland, for I am afraid that recently, as, for instance, at the North Tipperary Assizes, we have seen calendars exceptionally heavy with serious charges, including cases where brutal murders have been committed for the sake of plunder. But I mean to say that such cases are on the whole exceptional, and that taking the whole country through, the records as regards ordinary crime are such as cannot but be satisfactory to the Government and to this House. Then as regards agrarian crime. When my noble Friend opposite last drew attention to this subject, he quoted figures showing the number of cases of agrarian crimes during the past few years. Those figures I will repeat, and let me begin with the year 1866, when agrarian crime had reached its lowest point in Ireland. In that year the outrages reported under that head were 87 in number. In 1867 they rose to 123, in 1868 to 160, in 1869 to 767, and in 1870 to 1,329; but in 1871 they fell to 373, in 1872 to 256, in 1873 to 254, and in 1874 to 213. These figures, as far as they go, are no doubt satisfactory; but, in spite of them, I think it cannot fail to be admitted that crime of this nature still exists in Ireland to a dangerous and an unsatisfactory extent. I find the sending of a considerable number of threatening letters among the offences in 1874, and I also find not a few of them cases in which nobody was brought to justice, while there are other cases in which no one was punished for the offence. These are facts which, in spite of the small number of outrages, cannot be overlooked by the Government in dealing with this question. I will now take, one by one, the provisions of the Peace Preservation Act, and state to the House the proposals which the Government have to make in regard to them. First of all I come to the part of the Act relating to restrictions upon the free holding of arms. Now, I do not wish to make too much of the recent election for

the county of Tipperary. That matter is not of such a serious nature that in itself it need influence the House in dealing with this subject. If the electors of Tipperary choose repeatedly to return Members who are disqualified to sit in this House, they are more likely to make themselves ridiculous than to do any one harm by their action; and with regard to Mr. Mitchel himself, I am bound to say that since his return to Ireland neither his actions nor his speeches have in any way tended to any serious breach of the peace. In fact, he has himself distinctly repudiated the idea of any such intention. Still, I think this House may fairly remember the reason why the electors of Tipperary returned Mr. Mitchel as their Representative. I take his own words. He stated to an audience at Cork that they returned him as their Representative because he never would consent to have peace with England; and I regard the election for Tipperary as of no more importance than as merely showing to the public at large what I fear those who are most acquainted with Ireland must admit, that in many parts of the country there does exist to a very considerable extent something more than dislike of the connection with England. Now I would ask the House if that be admitted—and I think it cannot be denied—whether the restriction which has been placed in most parts of Ireland, since 1847, on the free possession of arms by the people, ought to be at once and entirely removed? I frankly own it is difficult to exaggerate the danger which might accrue from the free and unrestricted possession of arms by a people so liable to be inflamed by speakers and writers, and so ready to take part in such hopeless and unreasonable enterprizes as some of those which have been noted in the records of Ireland during the last 20 years. There is another point to be considered. Lately, the emigration from Ireland has very considerably diminished in comparison with former years, and in place of that we have returning to Ireland people of whom I fear it must be said that during their residence in America they have acquired a good many Western vices and forgotten a good many Irish virtues. I do not think it would be conducive to security of life and property in Ireland that the free possession of revolvers, for instance,

Sir Michael Hicks-Beach

should be given to persons of the class to which I allude. Again, there is a strange, but widely-extended, predilection in the North of Ireland in favour of the use and occasional discharge of fire-arms in party processions. Often, I am bound to say, these discharges are harmless, but occasionally and more frequently than we could wish they are productive of very serious consequences. I do not think, therefore, that in those parts of Ireland where party feeling is rife and strongly divided it would be advisable to allow the unrestricted possession of arms. For these reasons, it is the intention of the Government to recommend to the House that the restriction on the possession of arms should be continued. We do not intend to take the exact provisions of the Act of 1870, for we think that they may be reasonably modified, and that it will be preferable in some points to resort to the provisions of the Crime and Outrage Act of 1847. For instance, under the Act of 1870, warrants to search for arms were allowed to be issued and to hold good for a period of three months. We think that term is unnecessarily long; we consider that the old period of 21 days is amply sufficient, and we intend to re-enact that provision. The punishment for the unlawful possession of arms was put by the Act of 1870 at a maximum limit of two years' hard labour. We think that is unnecessarily high, and we propose to revert to the old law, and to fix the limit at one year's imprisonment, without hard labour. Subject to certain limitations, we propose to confer summary jurisdiction upon the magistrates in this matter. Section 13 in the Peace Preservation Act, applying to proclaimed districts, authorizes the investigation of cases of felony or misdemeanour on oath, even though no person may be charged before the magistrates, and power is also taken—under Section 15—to search suspected places for evidence of hand-writing. We propose to re-enact both those clauses. The first of these provisions is already in force in Scotland, where the investigation is conducted by the Procurator Fiscal; and the power exercised under Section 15 is still necessary, owing to the fact that threatening letters continue by no means unknown. Then, with regard to those provisions of the Peace Preservation Act

which are in force throughout the whole of Ireland, we propose to re-enact Clause 38, which authorizes the issue of warrants to arrest any person bound over to give evidence upon proof of his intention to abscond. We also propose to re-enact the power contained in the old Crime and Outrage Act, providing that when an extra force of police is sent to a district on any special duty the cost may be charged upon the district, and also Section 39 of the Peace Preservation Act, providing that on the presentation of a Grand Jury, compensation may be awarded to the representatives of the injured persons in cases where any outrage committed comes under the head of agrarian offences. I think I have now mentioned all the provisions in the Peace Preservation Act which, in the opinion of the Government, it is necessary to re-enact in the Bill I am about to ask leave to introduce. Sections 35-7 in that Act relate to licences for the manufacture and sale of gunpowder. We think these are provisions which may properly, as far as they are necessary, be made applicable to the whole of the United Kingdom, and such of them as appear necessary will be included by my right hon. Friend the Home Secretary in a Bill he has already obtained leave to introduce for that purpose. Now I come to the other provisions of the Peace Preservation Act, 1870. First, with regard to the clauses which have effect in districts specially proclaimed, authorizing the arrest of persons suspected, the closing of public-houses by the Lord Lieutenant, and the arrest of strangers, we think it is unnecessary to continue those provisions, and inadvisable to do so, unless there is a fear that they are required by the condition of the country generally. We do not think they are generally required by the condition of Ireland; and with regard to certain parts of Ireland where the Ribbon conspiracy prevails, we think it has been satisfactorily proved by the course of events that those provisions are incapable of meeting the evil. Sections 30-4 relate to the summary seizure and suppression of newspapers. When these sections were originally proposed in this House, they formed the subject of a very serious and active debate, not only on the part of the Members from Ireland, but also on the part of English Representatives. There seemed to be

something almost unprecedented in imposing such restrictions upon the freedom of the Press, and there were not wanting those who argued that these restrictions, if imposed, would not secure the end in view; because it would be perfectly possible that treason or sedition should be spoken as well as written; that it should be sent secretly in letters as well as in newspapers; that it should be insinuated covertly in newspapers which, under the provisions of this Act, would not be liable to suppression; and that, in many ways, those clauses might be evaded. I think it may be said that the clauses have proved sufficient for their purpose. They have been fairly and carefully worked. During the four years they have been in operation only five warnings have been given to newspapers, and in no case has a seizure been made. The tone of what is called—I think unfairly—the National Press of Ireland has considerably improved of late under the operation of this portion of the Act. During my term of office it has been my duty to watch the course of this Press, and I am bound to say that I have seen nothing to warrant the Government in proposing to re-enact these provisions. We therefore intend to allow them to expire; but, at the same time, if the liberty thus restored is abused, we shall not be wanting in our duty, and shall come to the House with proposals which, in our opinion, will deal adequately with the evil. I come now to the third of the Acts to which at first I alluded. It was originally called the Protection of Life and Property Act, and only applies to certain parts of Ireland. I would recall the attention of the House to the state of things which existed in Westmeath and the adjoining districts at the time of the passing of that Act, and which induced the Government to propose and the House to adopt this measure. That state of things was far more serious and more dangerous than mere political disaffection, because political disaffection sooner or later, under one name or another, will break out and can then be suppressed by the ordinary power and authority of the Government. But the Ribbon conspiracy, which was then satisfactorily proved to exist in Westmeath, was an intangible evil, a kind of secret terrorism, which paralyzed the energies of every one in that part of Ireland, and destroyed the future of the

country by driving away resident landlords, foreign capital, and everything which was likely to improve the condition of the inhabitants. I remember it was fairly described in the debates of the time as a conspiracy which ramified through nearly all the strata of society, interfering not only between landlord and tenant, but between incoming and outgoing tenants, between employers and employed. My noble Friend (the Marquess of Hartington), in alluding to this matter in 1871, described it in terms which I will venture to quote, because I think no language I can use would describe it so accurately. He said—

“The reports we receive [from Westmeath and the adjoining districts] show that such a state of terrorism prevails that the society has only to issue its edict to secure obedience; nor has it even to issue its edict, its laws are so well known, and an infringement of them is followed so regularly by murderous outrage, that few, indeed, can treat them with defiance. Ribbon law, and not the law of the land, appears to be that which is obeyed. It reaches to such an extent that no landlord dare exercise the most ordinary of rights pertaining to land, and no farmer, employer, or agent dare exercise his own judgment or discretion as to whom he shall or shall not employ; in fact, so far does the influence of the society extend that a man scarcely dare enter into open competition in the fair or markets with any one known to belong to the society.”—[3 *Hansard*, cciv. 994.]

What is the Report of the Committee which sat to inquire into this question? I hope I may be excused for troubling the House with some part of this Report, because it is essential to the case I am now presenting. The Committee unanimously reported—

“That there is at present existing, within the county of Westmeath and certain adjoining portions of the county of Meath and of the King's County, an unlawful combination and confederacy of a secret nature, generally known by the name of the Ribbon Society. That this Ribbon Society has existed for a considerable length of time, and has within the last three years, as compared with those immediately preceding, increased in power and influence. That, owing to the prevalence of this society, murder and other crimes of the most serious nature have been perpetrated within the district above referred to, and that by reason partly of sympathy with the perpetrators of such crimes, and still more by the terror created by the existence and action of this society, it has been found to be almost impossible to obtain evidence on which to bring offenders to justice. That such immunity from detection and consequent punishment has had for its results an encouragement to crime, the diffusion of a spirit of lawlessness, and a corresponding decrease of confidence in the power of the law among the peaceful members of the community.

Sir Michael Hicks-Beach

That this society, originating in a desire on the part of its members to interfere in an unlawful and violent manner in matters relating to the tenure and occupation of land, has extended the sphere of its operations, and more or less prejudicially affects other relations of life. That the society, besides leading directly to the perpetration of the crimes already mentioned, has infused a feeling of terror into all classes in the district, by reason of which its objects are frequently brought about, without any overt act of violence."

The Report goes on to say that the ordinary law, however stringently enforced, and the special provisions of the Peace Preservation Act, were inadequate to cope with this great evil. Let me recall to the House how this Act has been administered. During the period it has been in operation, since the Session of 1871, only 19 persons have been arrested under its provisions. They have been detained in prison for various terms. No one has been arrested during 1874, and no one has been in prison under the provisions of this Act, since July, 1874. I may add I am aware that in every case of the arrest of a suspected person under the provisions of this Act the Lord Lieutenant, in conjunction with the Law Officers of the Crown, made a most careful inquiry into the facts. I do not think any Act could be more carefully administered, and its effect will be proved not so much by the number of cases in which it has been brought into operation as by the amount of crime which it has prevented. So far as regards outward manifestations of crime, Westmeath and the adjoining counties, the state of which induced Parliament to pass this Act in 1871, may now undoubtedly be considered as peaceable as any part of Ireland. As I have said, very few persons have been arrested, and these few were not punished as convicted prisoners; they were kept under safeguard to prevent them from committing crimes, and the effect of the Act has been such that, although since they have been released several of them have returned to the districts in which they originally lived, they have been deterred by the knowledge that this Act was hanging over their heads from repeating crimes in which they appeared to have been so active before. It will be contended that this Act, so far as regards the district to which it extends, is seriously at variance with the constitutional freedom of subjects of Her Majesty in the United Kingdom. I

think for that reason it will require the most careful consideration on the part of this House before consenting to its re-enactment, and therefore I wish to call attention to a few matters which should be duly weighed in dealing with it. In the first place, it may be said that the Ribbon conspiracy no longer exists—that the fact that Westmeath and the adjoining districts are quiet, and that comparatively few outrages are committed, bears testimony to the extinction of the conspiracy. I think the Question which the noble Lord the Member for Westmeath (Lord Robert Montagu) put the other night, to some extent indicated his disbelief in the existence of this conspiracy at all. But no one who will take the trouble to refer to the previous history of this matter will fail to admit that the Ribbon conspiracy in Westmeath and the adjoining districts is no modern innovation—it has existed for something like 90 years. The hon. Member for Longford (Mr. O'Reilly), whom I see opposite, admitted in previous debates that he had himself known of its existence in that district for 25 years; and the Crown Solicitors who gave evidence in 1871 before a Select Committee of this House on the question were corroborated by the evidence given before a Select Committee of the House of Lords in 1837, and of this House again in 1852. Can it, therefore, be supposed that a conspiracy so wide-spread as this has been shown to be should, after so lengthened an existence, be entirely extinguished by the repressive operation of an Act of not quite four years' duration? The Government have felt it their duty to consult, both confidentially and more or less publicly, the magistrates and police authorities of Westmeath and the adjacent districts on this matter. Of course, it is impossible for me to give in detail to the House the information which we have received on this head; but, speaking generally, I may say the magistrates and police authorities are unanimous in assuring us that this Ribbon conspiracy exists now as strongly as ever, and that its action has only been kept down by the repressive force of this law. We are told of cases where outrages of a serious character—in some instances murder—are only in abeyance on account of the existence of this Act. ["Oh!"] Hon. Members opposite may say "Oh!" but

I can tell them we have means at our command of obtaining accurate information which they do not possess, and the Government have adopted every mode of instituting fair and independent inquiries on this matter. What have the magistrates of Westmeath told us? At the request of the Lord Lieutenant, the magistrates of Westmeath, numbering over 50, met a few weeks ago to consider the necessity for the continuance of this Act, and they arrived at the unanimous conclusion that it was essential to the order and security of that county that the Act should be continued. But perhaps I may be told that English Members would not think of the application of a law of this nature to England. Well, I am bound to say that if magistrates in an English county to the number of 50—men differing in religious and political opinions, men selected not only from the upper, but the middle classes—had met, and unanimously informed the Government that the continuance of a law of this kind was necessary, the Government would incur a serious responsibility in rejecting their recommendation. Nor can these magistrates be accused of anxiety for their own persons. I have no doubt I shall be told that the improved condition of Ireland is, at least to some extent, due to the remedial measures passed by the late Government. That is an argument upon which at the present moment I do not care to enter. But, whatever security the Land Act has given to the tenant, it has so much the more made his position a coveted one in those parts of Ireland where people resort not to the operation of the ordinary law, but to violence, to settle the disputed question of the occupation of land. The fact that the occupation of land is coveted makes the position of the existing occupiers dangerous. The more secure a tenant is under the provisions of the Land Act the more likely will his situation be coveted by some who, perhaps at a remote date, have been evicted from the holding which he possesses; and in the county of Westmeath cases have been known where claims of this kind have been set up on behalf of families whose ancestors were dispossessed years ago. In fact, protection is not now so much required by the landlord and his agent as by the farmer, and even those below him in the social scale, and therefore nothing could

be more unfair than to charge the magistrates at Westmeath with any class feeling, as far as regards the recommendation they sent to Her Majesty's Government. But it is not their recommendation only we have to consider. We are often told in the charges of Judges and Chairmen of Counties of the peaceable state of Ireland and the absence of crime. Well, let me direct the attention of the House to the charge of Chief Baron Palles at the last Summer Assizes at Mullingar. He said that the cases to go before the Grand Jury were of an exceptionally light character, and then he went on to say—

"He would be very glad if he could inform the Grand Jury that the state of the county was accurately indicated by the calendar. From the exhaustive returns furnished by the County Inspector he perceived, he was sorry to say, indications of a state of things which every person having the welfare and peace of the county at heart should view with great regret. In Westmeath county for some years the people were living under exceptional legislation, and although at present no persons were to his knowledge imprisoned under that Act, still no person could deny that its existence deterred parties from committing crimes which in years past were of such frequent occurrence. In point of number there was no comparison with the agrarian crimes of the present year and those of 1870 and 1871; but, at the same time, there were indications of the existence of a spirit that showed the wisdom of an act of exceptional legislation. Out of the 17 cases which occurred since last Assizes, there were six to which he should take the liberty of calling their special attention. Five of the cases were the sending of threatening letters, all of which were connected with the occupation of land. . . . Viewing all the cases as he did—that was to say, viewing them as indicating the existence of a spirit utterly opposed to the law—it occurred to him that it was only the existence of exceptional and strict legislation that awed some parties and prevented them resorting to actual violence. There were, he was sorry to say, indications of a spirit in the county Westmeath that would not have the land laws administered as the law directed, but as they themselves wished."

Since I have come down to this House I have received a telegram informing me of the purport of the Charge just delivered by Mr. Justice Fitzgerald to the Grand Jury of Westmeath. That learned Judge said—

"When there should be permanent diminution of outrage, and not till then, could they look forward to giving up that power which the law gave them to preserve peace and order, or even abandoning those exceptional laws which to some extent interfered with the rights and liberties (he would not say the privileges) which were the birthright of all Her Majesty's subjects."

Sir Michael Hicks-Beach

Now, these are statements made after due knowledge obtained in the ordinary way by two of the Irish Judges, and I think the opinions I have quoted from the Judges, from the magistrates, and from the police authorities are sufficient at any rate to show that there exists still, in spite of outward peace, a state of things in Westmeath and the adjoining districts which cannot be dealt with by the ordinary law. Now, what is the best method of dealing with it? Let me, Sir, refer again to what was said by my noble Friend opposite in May, 1871. He said—

“During the last suspension of the Habeas Corpus Act, though it was not at all directed against agrarian crimes, yet the people of these districts were hardly aware of that fact, and when they thought there existed an arbitrary form of arrest they almost entirely desisted from the commission of those crimes.”—[3 *Hansard*, ccvi. 725.]

And the facts I am about to state are sufficient to prove that my noble Friend was right. In February, 1866, the Habeas Corpus Act was suspended in Ireland, and its suspension was continued by the late Government till the beginning of the Session of 1869. During that time agrarian crime was lower than at present. In 1866 the agrarian outrages in Ireland numbered 87; in 1867 they numbered 123; in 1868 they numbered 160, of which 21 were in Westmeath, five in Meath, and two in King's County; but at once, when in February, 1869, the late Government advised the removal of the suspension, we find an enormous increase in those outrages. In 1869 agrarian crimes in Ireland amounted to 767, of which 130 were in Westmeath, 61 in Meath, and 17 in King's County. In 1870, the Peace Preservation Act was passed, with the result of an increase of these outrages to 1,329, of which the number was 103 in Westmeath, 95 in Meath, and 38 in King's County. I may also mention the evidence of Mr. Reade, an able and experienced magistrate, who stated to the Westmeath Committee that—

“In my district in 1866 and 1867 there were no outrages, except two or three attempts at murder. More outrages have been committed since the passing of the Peace Preservation Act. The Ribbonmen feared that the suspension of the Habeas Corpus Act was to be brought forward again, and when they found out what the Act was their fear was removed.”

In the Spring of 1871 the Government

thought it necessary, after the Report of the Select Committee, to introduce the Act allowing the Lord Lieutenant to suspend the Habeas Corpus Act in Westmeath and the adjoining districts, and at once these outrages began to cease. In 1871 there were only 373 in the whole of Ireland, of which 40 were in Westmeath, 16 in Meath, and 24 in King's County. In 1872 there were 256, of which 25 were in Meath, 9 in Westmeath, and 15 in King's County. In 1873 there were 254, of which 16 were in Westmeath, 6 in Meath, and 12 in King's County. In 1874, of 213, 11 were in Westmeath, 8 in Meath, and 3 in King's County; so that, practically, that district was now in the same position in regard to this matter as it was in 1868. Well, now, looking at these facts, to the opinions expressed by the magistrates and police authorities, and judging from what I have stated to the House as to these outrages, and the danger of their recurrence if these restrictive laws were removed, I do not consider that the Government are proposing undue repression for Ireland if they recommend for a modified period of time the continuance of the Protection of Life and Property Act. Our proposal is to extend it for a period of two years. Our hope and expectation is, that during that period the state of the country may be—as it has not been during the last four years—such as to warrant the Irish Government in revoking the order under this Act, and thus in testing whether it is possible that these districts should continue peaceable under the ordinary laws. But we do think nothing could be more dangerous than that exceptional powers of this kind should cease in a district all, as it were, in a moment—that the Act should be suffered to expire in June, and that there should be no power, if these outrages should recommence in the winter, of applying any remedy sufficient to meet them. Therefore, we make the proposal which I have explained to the House. The only other Act to which I need refer is the Unlawful Oaths Act, which was continued by the Continuance Act of last year. That makes the Ribbon Society illegal, and it will be obvious from what I have already stated that it is our intention to renew it. We propose to renew that Act, and we also propose to renew such parts of the Peace Preservation Act as we think it neces-

sary to continue for the period of five years. We do not think there is anything in that part of the Peace Preservation Act that is to be renewed which can fairly be called coercive, except the restriction on the free possession of arms. We do not think that for the period I have named it would be possible safely to allow the free possession of arms throughout the whole of Ireland; but, with regard to this, we propose by degrees to relax the law—to revoke, for instance, the proclamation of certain peaceable districts, and in other places to meet as far as possible complaints that are made on behalf of the farmers, by allowing the issue of licences not only to have arms in the house, but to carry arms on land occupied by persons holding a licence—in fact, making such gradual relaxations as may ultimately lead to the equalization of the law in the whole of the United Kingdom. I fear the statement I have had to make has proved wearisome to the House; but I am confident that, whatever opinion the House may entertain of our proposals, the Government will at least be credited with a careful and independent consideration, both of the state of the existing law and of the present circumstances of Ireland. We feel the responsibility which devolves upon us. We do not wish to shift it on to this House; but, acting as we do to a great extent on information which cannot be publicly communicated, we ask the House to repose in us that confidence and support which Government, under the circumstances, never demands in vain from the House of Commons. I may be told by hon. Members opposite that our cure for Irish discontent is a policy of coercion, but I can conceive no more unfounded charge. Hon. Members opposite, especially the hon. Members for Louth (Mr. Sullivan) and Meath (Mr. John Martin), have too often told us of the enslaved condition of their country—of the state in which it is kept under English rule—of the subjection of Ireland to an army of occupation. But if there be any truth in these statements—and I admit that some of the laws now in force with reference to Ireland are of a restrictive character—is it not all the more clear that those restrictions cannot be immediately and entirely removed, and that, whatever the present outward appearance of that country, a

policy of gradual relaxation is the only policy which the Government could safely recommend? I hope that in considering this matter hon. Members will not forget the undoubted difference between the circumstances of Ireland and the rest of the United Kingdom. Ireland, from whatever cause, is, in this respect, years behind England and Scotland in the advance of civilization; that you cannot there trust entirely to ordinary law, as in England and Scotland, where public opinion makes every man, of whatever class, an ally of the law. You cannot argue from the records of crime, where injured persons decline to denounce those who have injured them; where criminals rather than those against whom they offend have the sympathy of their neighbours; where notorious offenders are too often sheltered and harboured by those who ought to denounce them; where, through timidity, ignorance, or prejudice, juries dare not convict even when evidence is placed before them. Will any one deny that to be too often still the case in Ireland? I am thankful to say that in this, no less than in other respects, the condition of Ireland within the last few years has steadily improved, and I think we may see the day not far in advance when a fair administration of the law will encourage all men to act in support of it; when the certainty that criminals will be punished will embolden juries to incur what risk they may now fear in convicting them; when material prosperity will assuage political disaffection; and when Ireland will be, in the matter of agrarian crime, as far advanced on its past history as it is in other matters to which I need not allude. I think that we have proposed all that Government could safely do under present circumstances in gradual relaxation of the existing restrictive laws; but if I may venture to look forward to the next time when this subject will be brought before the House, whether I should occupy my present position or whether it should be filled by some abler man, one thing, above all others, I would hope, and that is, that the circumstances of Ireland will then be such as to warrant the Government in at length proposing that there shall be the same laws for Ireland and the rest of the United Kingdom. I beg to move for leave to bring in a Bill embodying the provisions I have explained.

Sir Michael Hicks-Beach

THE MARQUESS OF HARTINGTON: Sir, I do not think my right hon. Friend has at all exaggerated the difficulty of the task which he had to perform. It is true that he has been able to propose some relaxation in the Coercion Laws which now exist in Ireland, and I am sure that every hon. Member who sits in this House will join with me in heartily congratulating the right hon. Gentleman and his Government in so far as they have found that the state of Ireland justifies them in making any relaxation or modification of those laws. But, on the whole, it must be acknowledged that the statement which the right hon. Gentleman has made amounts in general terms, with the exception of those relaxations to which I have alluded, to the introduction of a Bill for consolidating the existing Peace Preservation Acts. I believe that while the right hon. Gentleman will mitigate the severity of some of the provisions of that code, he will probably make the code itself a more efficient and more generally useful one in consequence of the proposed consolidation of the different Acts to which he has referred this evening, and, although I believe that is a beneficial undertaking, still he cannot conceal from himself that it is one which will meet with very considerable difficulty and opposition in passing through this House. It is also one upon which I imagine no Government would have entered, if they had not been driven and absolutely compelled to do so by the proceedings which occurred in this House last year. Now, as to the necessity for the continuation of this Coercion code, or any part of it, I am willing to accept the proposition just laid down—that to a great extent the House must trust the Government for the opinion it may form as to the necessity that may exist for any such legislation as it is now proposed to continue. The Government, as my right hon. Friend has just told us, has, and must necessarily have, in their possession information which is not accessible to all of us. The Government can lay on the Table certain Returns, and give the House certain information; but there is, as I am perfectly aware, much information in their possession which it would be impossible for them to produce. Well, if the Government possess the confidence of a large majority in this House for the transaction of any political Business

whatever, I think no one can doubt for a moment that this of all other subjects is one on which that confidence ought most fully to be extended to them. But I do not believe a Government ever sat on that Bench which for one moment dreamt of proposing measures of exceptional severity for any part of Her Majesty's dominions for which they did not believe in their hearts there existed an adequate necessity. Well, the necessity which exists for the re-enactment of these laws arises, it appears, from three different causes. There is still the fear of insurrection; there is still the prevalence of party disturbances; there is still a continuance of agrarian crime. As to the fear of insurrection, my right hon. Friend has scarcely referred to any circumstance except the recent election in the county of Tipperary. Now, I agree with him that that is a circumstance which cannot be omitted from the consideration of this question, for, as far as we knew, the great majority of the electors of Tipperary cannot possibly have any knowledge of the Representative whom they sent here the other day, except that he did take arms against the British Government, that he exhorted his countrymen to take arms also; and that, as far as we are aware, he remains still of the same opinion. Well, although the hon. Member for Meath (Mr. John Martin) the other night said he believed that a majority of the country did not agree with the verdict of Tipperary, these circumstances do show that in Tipperary, at all events—and probably it is not an exceptional instance—there exists a very considerable amount of disaffection towards the Government. But I think I may go further than my right hon. Friend, and say that if matters have not changed very much within the last twelvemonths, the Fenian conspiracy—whatever it may be in Ireland—certainly was not entirely extinct either in America or in England; that funds are being constantly raised for the purpose of that society, and that those funds—or at least so much of them as do not remain in the pockets of the collectors—are employed in the purchase of arms which are intended to be sent to Ireland or stored till an opportunity may arise for using them. I must say, then, that I do not think the Government are, in such a state of things, asking for excessive powers, when they

ask that means shall be taken to prevent unlicensed persons from being in possession of arms, or, in other words, when they ask that arms shall not be openly taken to Ireland to be stored there and used whenever circumstances may favour the outbreak of insurrection. As to party disturbances, I rejoice to think that within the last few years they have very greatly decreased, and I have reason to hope that they may very soon become almost entirely things of the past. Still, I must agree with my right hon. Friend that as long as there exists, especially in the North of Ireland, a tendency on the part of Protestants and Roman Catholics on certain occasions to come into collision, it is not an unreasonable precaution on the part of the Government to secure that arms should not be promiscuously in the hands of persons who are likely to make an improper use of them. Well, the most important branch of the necessity for legislation of this kind is the prevalence or continuance—if such be the case—of agrarian crimes. As far as the case may be proved by figures, it appears from the statement of the right hon. Gentleman that the condition of Ireland as regards agrarian crime is scarcely altered from what it has been within the last few years. In 1872 the number of agrarian outrages reported by the Constabulary was 256, in 1873 it was 254, and in 1874, though it had undergone a slight diminution, it was still 213. That shows, practically, that, taking the test of figures, the state of things remains much as it was during the last two years under the late Government. But I agree with the right hon. Gentleman that the case cannot be entirely proved by figures. This is one of those cases in which the Government is possessed of information which we cannot have, and the right hon. Gentleman has certainly brought forward some strong statements proving that in Westmeath, and I believe also in other parts of the country, Ribbonism still exists and agrarian crime likewise exists. The smallness of the number of outrages certainly does not prove that agrarian crime has ceased. It may be due to the efficiency of the Constabulary or the police, or to the exceptional legislation which is in force. What the House wants to know, and what I understand from the statement of the right hon.

Gentleman is the opinion of the Government, is that there still certainly does exist in Ireland a certain amount of crime that proves the existence either of secret societies, which seek by violence to impose a law of their own on the subject, or, in the absence of such secret societies, which shows a disposition on the part of large bodies of the people to substitute a law of their own—a law not recognized by the State—for the law of the land. Comparisons are often made between the amounts of crime in England and in Ireland; but the peculiarity of crime in Ireland is this—In England crime is an attack on the part of an individual on other individuals; but, in Ireland, it is an attack by society, or by a large part of society, upon individuals. It is the same in whatever shape it may show itself, whether the victim be the landlord who is using the rights over his property which the law gives him; whether it be the tenant who, having been lawfully inducted into his farm, is endeavouring honestly to make his living there; whether it be the employer of labour who chooses to exercise some discretion in the choice of the persons whom he employs; or whether it be the labourer himself who wishes to take his labour to the best market. You find that the spirit of agrarianism interferes in every one of these cases, and seeks to impose a law of its own—a traditional law, perhaps, but one which has never been sanctioned by the State, and which is in actual opposition to the law of the State. Well, as long as any crime exists in Ireland which shows the prevalence of such a state of feeling on the part of any considerable section of the people, I, for one, confess I do not think it would be safe altogether to abandon this exceptional legislation. So much as to the necessity which exists for the continuation of this code. ["Oh, oh!"] Let me remind hon. Members from Ireland who are about to oppose this measure, that exceptional legislation of this nature is not a new thing and is not peculiar to the English Parliament. The Irish Parliament itself first set the example of exceptional legislation. Nay, more, it did not deal with the question in the same wise spirit as the English Parliament did; but it enacted penalties of a much severer and harsher character. The Whiteboy Act, the Insurrection Act, and the Act for the Suppression of Re-

The Marquess of Hartington

bellion were passed by the Irish Parliament, and the first-named provided that—

“Any person or persons rising, assembling, or appearing by day or night, armed or disguised, or wearing any unusual badge, dress, or uniform, or assuming any unusual name or denomination, to the terror of His Majesty’s subjects, are declared guilty of a high misdemeanour and liable to be punished by fine and imprisonment, whipping, or other corporal punishment, and to give such security for future good behaviour as the Court should order.”

And further—

“Any person or persons rising or assembling as above or otherwise (save peaceably), and wilfully shooting at, maiming, or disfiguring any person, or sending a demanding or threatening letter to any person . . . are declared guilty of a capital felony.”

That is the way in which the Irish Parliament—and the English Parliament for some time afterwards—dealt with such crime—by measures—that is to say, of severe and cruel punishment. Well, the next stage in this matter was the Coercion Act which was brought in by Earl Grey. There, it is true, there were several offences created or revived—offences of the same character as those which have been created or continued by the Peace Preservation Act—but the peculiarity of the Coercion Act of Earl Grey was, that it sought not so much to inflict punishment for the crimes as to insure a certainty of conviction. It was enacted that the offences in question might be tried by Military Courts formed for the purpose. After that Act was abandoned, the same object was sought to be attained by means of a measure enabling the Lord Lieutenant to order extraordinary Courts of Quarter Sessions to be held, with special powers for the trial of these offences. The next step was taken in 1847, when Sir George Grey introduced a Bill for the better prevention of Crime and Outrage in Ireland. By that measure, the Lord Lieutenant was empowered to increase the constabulary in proclaimed districts, and to make those districts bear the additional expense so caused. Those and the Acts relating to the carrying of arms have been the chief means which either this or the Irish Parliament have at any time attempted to bring into operation against the particular crimes to which I have referred. In my opinion, the most effectual part of this legislation has undoubtedly been the provisions relating

to the carrying of arms, and next in efficiency I would rank the clauses enabling the Government to increase the Constabulary, and to charge the extra cost upon the district where the increase has been made. These powers the right hon. Gentleman proposes to retain, and they are powers which I hope this House will enable the Government to retain. The power with regard to the constabulary appears to me not only useful and salutary, but essentially just. Crime of the character which has been described could not exist if it did not meet with a considerable amount of approval, or, at all events, toleration from the inhabitants; and, although under this law cases of hardship may occasionally occur, it does appear to me, on the whole, just and right that in the case of a district, the great majority of the inhabitants of which, probably know something about the crime which has been committed, or, if they do not know, might know, or who might easily take steps which would prevent the commission of the offence, the people ought to be made to feel in their pockets the effect of tolerating such crime, and ought, at all events, to pay the cost of the extra Constabulary required. The right hon. Gentleman spoke at the conclusion of his speech, in terms which I think were almost too gloomy, of the present condition of Ireland. He spoke of the sympathy with crime which still existed, and of the difficulty of obtaining convictions from juries, and altogether appeared to me to take an unnecessarily gloomy view of the question. Perhaps the House would be glad to know that the facts are not really so bad as might be imagined. The House ought to be reminded that the condition of Ireland has in this, as in other respects, enormously improved within the last 30 or 40 years, and when the facts are considered, it will be seen that it is far from a hopeless struggle in which we are engaged. Perhaps I may be allowed to refer for one minute to the statements made in 1833 by Earl Grey, when it was his painful duty to introduce the Coercion Bill. Earl Grey said—

“Between the 1st of January, 1831, and the end of December, 1832, the number of homicides was 242; of robberies, 1,179; of burglaries, 401; of burnings, 568; of houghing cattle, 290; of serious assaults, 161; of riots, 203; of illegal rescues, 353; of illegal notices, 2,094; of illegal meetings, 427; of injuries to property, 796; of attacks on houses, 723; of firing, with intent to

kill, 328; of robbery of arms, 117; of administering unlawful oaths, 263; of resistance to legal process, 8; of turning up land, 20; of resistance to tithes, 50; taking forcible possession, 2; making altogether a total of 9,002 crimes committed in one year, and all crimes of a description connected with and growing out of the disturbed state of the country."—[3 *Hansard*, xv. 733.]

Compare this with the statement that last year the number of agrarian crimes in Ireland was 213, and everyone must allow that it is surely a great improvement, which ought to be borne in mind. In 1847 Sir George Grey gave, with reference to the six months ending October of that year, the following figures:—Homicides, 96; attempts on life by firing at the person, 126; robberies of arms, 530; firing into dwellings, 116. In one month of that year the number of homicides was 19; cases of firing at the person, 32; firing into dwellings, 26; robberies of arms, 118; total, 195—or very nearly as much crime in one month as there was in the whole of last year. As I before observed, we must not, therefore, following the gloomy apprehensions of the right hon. Gentleman, imagine that remedial or coercive legislation is a hopeless task for us to embark upon, or that the condition of Ireland has not greatly improved under its influence. From what I have said, I hope it will be seen that, in my opinion, this is no party question, and I believe that, with the same feeling, a large number of hon. Members on this side of the House will join me in giving the Government a most cordial support on this occasion. ["Hear, hear!"] I remember a speech—perhaps one of the most eloquent ever delivered in this House—in which my right hon. Friend the Member for Birmingham (Mr. Bright), on the occasion of the introduction of a measure for the suspension of the Habeas Corpus Act in Ireland in 1866, called upon the statesmen on both sides of the House to forget the policy of the past, and try whether, by some exercise of higher statesmanship, the necessity for continually applying to Parliament for exceptional coercive legislation with regard to Ireland might not be obviated. That appeal was not made in vain. My right hon. Friend the Member for Greenwich (Mr. Gladstone)—whether rightly or wrongly need not now be discussed—has attempted to deal with that country in a higher spirit

than had formerly been shown, and I am able to support the present Government with a clearer conscience, and with a better courage, than I could have done if I had not known that the British Parliament has done all that lay in its power to do substantial justice to Ireland. I do not wish to refer for a moment to the opposition given by right hon. Gentlemen opposite to the measures to which I allude. I have no doubt they honestly believed that those measures were not just or expedient. But I do think we have some reason to complain that right hon. Gentlemen opposite should while in Opposition, have made a party question of legislation with regard to Ireland. I remember the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in addressing his constituents in February, 1874, said that he believed Ireland was, he might say at that moment, governed by laws of coercion of such stringent severity as was unknown in any other quarter of the globe. Now, those are the very laws which have been described to-night, and the material part of which is to be retained in operation by the Government of the right hon. Gentleman. But would anyone say, after hearing the speech of the right hon. Gentleman the Chief Secretary for Ireland, that these are laws of coercion of such stringent severity as is unknown in any other quarter of the globe? If the right hon. Gentleman at the head of Her Majesty's Government would take the trouble to learn how the laws in question have been administered, and how far they are really laws of stringent severity, he would probably entertain a very different opinion on the subject from that which he expressed at the last General Election. It is very much to be regretted that party feeling has been introduced into this matter. I hope that the example thus set by the right hon. Gentleman will not be followed by this side of the House, but that as far as we believe that the measures of the Government are just, expedient, and necessary—and of the necessity for such measures the Government must be the best judge—no party considerations will induce us to obstruct those measures with regard to Ireland which they are now about to introduce.

MR. W. SHAW said, speaking for himself, he did not regret having listened

The Marquess of Hartington

to the speech of the noble Lord who had just spoken, who had a right to complain that his peculiar privilege of introducing Coercion Laws for Ireland had been invaded by right hon. Gentlemen opposite. Every measure of this kind had been brought in by some Whig statesman whose natural mission seemed to be to place Ireland under such laws. On behalf of himself and those with whom he was accustomed to act, he entirely repudiated on this question the Leadership of the noble Lord who had just sat down, and he was not sure that the noble Lord led even the front Opposition bench on the subject—in fact, he should like much to hear the views of the right hon. Gentleman who sat next to the noble Lord (Mr. Bright) with regard to it, whose opinions on Irish questions were always statesmanlike and generous. He (Mr. Shaw) was a supporter of the Irish measures of the late Government, but he never looked upon them as dealing completely with the condition of the people of Ireland, but as steps in that direction, as removing obstacles, giving a clear space for the action of high statesmanship. However, it was not the intention of those with whom he acted in that House to offer any opposition to the introduction of the Bill, and he thought that this courtesy was due to the right hon. Gentleman who had charge of it. He, however, could assure the House that coercive measures were not the kind of government calculated to allay discontent in Ireland. He would only ask that the second reading should not be taken till after Easter, as many hon. Members from Ireland would be absent, attending the Assizes, and it would be well that all shades of Irish opinion should be present to discuss this subject. After listening to the right hon. Gentleman the Chief Secretary for Ireland, he thought he might state that he had made out no case for the continuation of these Coercion Acts. The number of cases in which these Acts had been put in force had been very few, and he considered that the Government ought to have looked at the state of the country, its peace and prosperity, and its gradual growth, and he expected that they would generously propose the repeal of these laws. But he had been disappointed, and he felt astonished that they should propose to keep some of these laws in force. If such laws existed in England

and Scotland, how would the people deal with them? Why, there would be a revolution. They would not bear with them for a month. It seemed that these Coercion Bills were all that English statesmen could offer to Ireland. They thought they could keep down the dissatisfaction which existed in Ireland with them. The noble Lord the late Chief Secretary (the Marquess of Hartington) had told them that he and his late Colleagues had done everything in their power, when in office, to promote the welfare of Ireland; and the right hon. Gentleman at the head of the Government had, both in his books and his speeches, advocated the claims of Ireland to just consideration, and now he hoped that the right hon. Gentleman would put his speeches into action, and open up the resources of Ireland. But what had the right hon. Gentleman done for Ireland? The Government of which he was a Member supported the Galway contract, but every man of common sense saw that it must end in disaster; and last year the present Government devoted to wards improving the fisheries a sum of money which belonged to counties in Ireland for other purposes. What the Government should attend to was the ameliorating of the condition of the people of that country. It would not do for the Government to suppose that putting down their feet in this manner would tend to pacify the people of Ireland. The case of Westmeath was one of considerable importance. The right hon. Gentleman the Chief Secretary said he was in possession of information regarding that county which was confidential, and could not therefore be disclosed to the House; but he would tell the right hon. Gentleman that the reports of resident magistrates and police constables were not of the most valuable kind, and were not always to be relied on. No doubt, those gentlemen were unwilling to exaggerate, but still they did so. They had nothing else to do but to write reports. The law in respect to the possession of arms was in a most vexatious state. The fact was, the people of Ireland were treated like children. It was considered that they might damage themselves or other people; but the people would have arms in spite of the Acts. As to insurrection, the thing was out of the question. No doubt, a spirit of dislike to English

government existed in Ireland, for he did not think that looking at the history of the world, anything was more absurd than the system of English government in Ireland. The Government treated the people of Ireland in a spirit of oppression, dislike, and distrust; and such policy always had, and must continue to produce its natural result. If, in the county of Westmeath, there were reasons for this Act—Ribbonism being such a hateful thing—he would not offer the slightest opposition to that part of the Bill; on the contrary, he would support it. But the right hon. Gentleman had given them no information on the subject. Let them look at the crime and disorder which existed in England, and let the Government propose a Coercion Bill, and let the police put men into gaol and keep them there without trial, and very soon the whole country would be in an uproar. It was their determination to give the Bill their utmost opposition at its future stages. Now, when the right hon. Gentleman and the noble Lord gave the House their views regarding Ireland, he might ask who they were—what did they know of Ireland? Why, nothing beyond the reports furnished to them, reports upon which no reliance could be placed. They were taunted with what Irish Parliaments had done, and told that the present state of Ireland was their own fault, but they never had had an Irish Parliament. Let the Parliament give them the chance of having one now, and they would find that the distrust and dissatisfaction which existed would be got rid of, and that insurrectionary spirit which was found in Ireland would soon disappear.

LORD ROBERT MONTAGU said, he had the honour of representing the county of Westmeath, which had been, and still was to be, very hardly hit by the Coercion Acts under consideration. The right hon. Gentleman and the noble Lord the late Chief Secretary (the Marquess of Hartington) had both spoken of the Habeas Corpus Act as being no longer suspended in Ireland, but did they know it was suspended as far as Westmeath was concerned? And yet the Chief Secretary for Ireland spoke of that county as being as peaceable as any other part of Ireland. The English Government, in fact, maintained the Acts just as they might maintain an old gibbet or a cannon in the market-place,

simply to irritate the people of Ireland. What was the justification put forward for maintaining the worst parts of the Coercion Acts in force? The right hon. Gentleman, in making his statement to the House, said that a meeting of magistrates, at which 50 gentlemen attended, was held to consider the propriety of renewing those Bills, and that they were unanimous in recommending the Government to do so. Under these circumstances, they had no choice, and the right hon. Gentleman went on to say that any such representation made in England must have been attended to. But he (Lord Robert Montagu) would remind him that the magistrates of England were Englishmen, while those of Ireland belonged generally to an alien race, who hated the people among whom they lived, and were always anxious to coerce and oppress them. He protested against a policy of coercion being always followed, and reminded the right hon. Gentleman at the head of the Government that, when he sat on the Opposition benches, he stated that it was the bane of Ireland, that the Irish people were demoralized by restrictive laws, and that a policy of consideration was the only one to be adopted. Such laws required force behind them, for without force they could not be carried into effect. The time might come when the Government of England would say to Ireland—"My father chastised you with whips; I will chastise you with scorpions," and the result might be similar to that which followed the uttering of that sentence—a part of the Kingdom might be torn away. He had come down to the House fully expecting to hear a proposal on the part of the Government for the repeal of the Coercion Laws. He greatly regretted that such a course was not about to be adopted. It had been asserted that the laws in question had been prudently administered, but that fact did not excuse the existence of laws which were irritating and unnecessary. Coercion Laws made the people the slave of the Government. What was a slave but one who was at the mercy of another. Tyranny consisted in the fact that people were subjected to the caprice of the Government. The right hon. Gentleman, arguing in favour of the continued existence of those laws, had enumerated all the cases that had arisen under the Peace Preservation Act. How

Mr. W. Shaw

few they were. And let them remember that when they had laws so coercive that, as the Prime Minister once said, the like never existed in any part of the world, and no arrests were made under them—the result was to show the peaceable character of the Irish people. Given tyrannous laws and no arrests, what did the fact prove but that there was no one to take up? They might depend upon it that magistrates and policemen liked to exercise power; and yet, with all the power those laws placed in the hands of Irish magistrates and policemen, they could not succeed in getting prisoners to put into the prisons. “Oh, but,” said the Chief Secretary for Ireland, “we are reforming the Coercion Laws somewhat.” He would say to the Chief Secretary, in the words of Hamlet—“Reform them altogether.” Let them try a different policy from that which they had heretofore adopted, and say to the Irish people, not “We know you hate us, and want to get rid of us,” but “You are our fellow-citizens, and we will treat you as such. We will put you on an equality with the people of England and Scotland, and not treat you as an inferior race.” The right hon. Gentleman had admitted that the magistrates were sometimes injudicious, and the Constabulary over-zealous. But, notwithstanding that over-zeal and indiscretion, they had not succeeded in making out a case against the Irish. Why, too, should they place in the hands of injudicious magistrates and over-zealous constables weapons of coercion and irritation? It was not only unjust, but most unwise to do so. The right hon. Gentleman said that there was very little crime of an ordinary nature in Ireland, and none of that brute violence which disgraced parts of England. There had been no riots in Ireland like those which occurred in Sheffield, no sacking of police-stations and burning of adjoining houses. But what would be said if, on account of those occurrences, Coercion Bills were proposed for England and Scotland? There were, said the right hon. Gentleman, only 200 cases of agrarian crime in Ireland in the year 1874, and the greater number of these were threatening letters. But threatening letters were not confined to Ireland. Most of those who heard him received threatening letters, How often did

shopkeepers receive threatening letters, if they only contained threats of actions at law? For his part, he could not see in the proposal of the Government anything that would tend to ameliorate the condition of Ireland. Two grounds had been put forward for the continuing of the Acts. The first was, that some Irish people desired separation from this country. Well, the people of Ireland had at the General Election an opportunity of sending to Parliament men who represented their views, and they did not return a single Separatist. They sent to Parliament those who desired Home Rule; but that was only another name for the self-government which the Prime Minister once called the “old Tory policy.” The only instance in which a Separatist had been elected was that which occurred the other day at Tipperary, and therefore that reason fell to the ground. The right hon. Gentleman gave as his other reason that emigration to America had almost ceased. He united with the right hon. Gentleman in rejoicing that the emigration from Ireland had ceased, because the strength of a country lay in its people. But the right hon. Gentleman said that these emigrants returned from the United States with ideas of violence which the people of this country did not sympathize with. But had they Coercion Acts in the United States? No; they enjoyed liberty there, and when the Irish emigrants had learnt to compare the freedom of the United States with that of Ireland, what would be the effect? Could we always expect to be at peace with all nations of the world? And when cruisers were fitted out by other countries, it was possible that the Americans might not trust to another *Alabama* adjudication, but declare war against us. We might then find that Ireland would be our weak point. He declared that this was a suicidal Bill, because it would make the Irish draw unfavourable comparisons between the Government under which they lived and that of the United States. He confessed that he had been deeply disappointed by the policy of the Leader of the Opposition. He expected that the noble Marquess would have given Notice of an Amendment directed against all exceptional legislation, except where urgent grounds could be shown for its necessity. The noble Marquess had been brought up in the traditions

of a Whig House, and had been taught to respect liberty, and he expected him to declare his strong dislike to the suspension of the Habeas Corpus Act. But, so far from that, the noble Marquess said that the Government must be in possession of more information from resident magistrates and the police than the Opposition could have, and he therefore said—"Do not let us judge for ourselves. Let us trust the Government, and legislate in the dark." Some day, however, a bright morning would arise, and it would be seen that there was a split somewhere, and that the Government majority had disappeared. The noble Marquess would not then trust the Government, but would take another line, because he would want the help of Irish Members. He called that an ignoble policy, if the noble Marquess would pardon him for saying so. The right hon. Gentleman said that the English Parliament might be coercive, restrictive, and almost tyrannous in its legislation for Ireland, but that so also was the Irish Parliament. But was that Parliament elected by the Irish people? No Roman Catholic could sit in that House. It was, in fact, an English House of Commons sitting in Dublin, which allowed itself to be dictated to by an English House of Commons sitting in London. The Irish Members had decided that it would be uncourteous to offer any opposition to the Government Bill in its present stage, but they would not be doing their duty—and the Members for Westmeath would especially fail in their duty—if they did not offer it their most strenuous opposition on a future occasion.

CAPTAIN NOLAN said, he wished to point out that the Bill would leave each one of his constituents liable to be imprisoned at any time without any allegation of crime being made against him; further, the argument of the right hon. Gentleman the Chief Secretary for Ireland, that for the advantage of a great number it was necessary to sacrifice the rights of a few, was a most dangerous argument, seeing that it had been used abroad to justify political assassination. With regard to the law prohibiting the keeping of arms in Ireland, it was no doubt true that a farmer might go to a resident magistrate and would sometimes obtain permission to keep a gun in his house. The farmers,

however, disliked going to the resident magistrate, and, although the liberty of the Press was, no doubt, important, yet it did not come home to every man like the prohibition against keeping a gun in his house. The fact was, that this law against carrying guns was a rigid Game Law for Ireland. He was himself very fond of shooting; but that was no reason why he should support such a rigid Game Law. If every Irish Member would vote steadily against all Game Laws, in a year or two the law which prohibited a man from having a gun in his house would have to be repealed.

MR. SERJEANT SHERLOCK said, he must enter his protest against the renewal of these unconstitutional measures. The right hon. Gentleman the Chief Secretary for Ireland anticipated that if these coercive statutes were repealed crime would revive in Ireland. But the same argument would be equally good in two years time. There might then be the same absence of crime, but it might again be said—"If you repeal these Acts crime might reappear." If there had been any facts to bear out the apprehension that a sleeping conspiracy was lurking in Ireland that would have been a strong argument in favour of the continuance of coercive measures. The Government had simply furnished the House with the opinions of those who were prejudiced by the position they held in Ireland, and who, yielding to the ordinary incentives that influence human nature, would not relinquish their power unless they were compelled to do so. There were public bodies in Ireland that altogether dissented from the opinions at which the magistrates had arrived, and the town commissioners of Tullamore, in King's County, had met and passed a resolution affirming the total absence of Ribbonism in that county. There had been but one prisoner in the county prison in the course of the last few months, and, to prevent any use being made of that fact, a number of military prisoners had been sent down. In the county of Westmeath, at a meeting of the Catholic Bishop and his clergy, a resolution had been passed stating that in their opinion Ribbonism did not exist in the district at present; and he could not imagine what object they could have in passing

Lord Robert Montagu

such a resolution, if Ribbonism really did exist, seeing that the men who were affected by it, when it did exist, were the farmers who were the most influential members of their own flocks. It would have been a most unpopular thing to do if Ribbonism really existed. The statement that a murder had been adjourned for two years until the Act expired would be a laughable statement if it did not relate to a murder; and seeing that such murders had generally been committed during the continuance of excitement, the story of deliberate postponement was not consistent with what he knew of the country and its people. If there were any truth in the story, why was not the intending murderer taken up under the provisions of the Act? The Chief Secretary had claimed credit for prudence and moderation in administering the Act. But as the object of the Act was to preserve life and property by imprisoning all persons whose liberty was dangerous to the peace of the country—to leave them at large would have been inconsistent with the spirit of the law. If it were fairly administered, it must be administered with all necessary rigour, and there could be no such thing as a claim to credit for prudence in carrying it out. The Tipperary election could not be a reason, though it might be an excuse, for the conduct of the Government, and it had no more bearing on the question than any other election—that of Stoke-upon-Trent, for example. It was not with reference to Tipperary these Acts were passed, but they were passed when agrarian outrages prevailed in Westmeath. These had ceased, the reason for the Acts had ceased, and therefore their continuance was unconstitutional and uncalled for. Although he should not offer any opposition to the introduction of the Bill, he would ask the right hon Baronet to give some time for its consideration.

Mr. R. POWER said, he did not for many reasons regret the speech of the noble Lord who occupied the unenviable position of being a Leader without a party, but he regretted to have heard the cheers which greeted the announcement that a policy of severity towards Ireland was to be continued. His own county of Waterford had always been characterized by freedom from crime and violence, and he there-

fore felt bound to offer his protest against a system of legislation which tended to degrade the people, and to the abuse of all authority. In 1870 some facts were offered as an excuse for the course that was adopted; but now, not even the flimsiest excuse was made for the continuance of Acts that were detestable to the majority of the Irish people. Exceptional legislation could only be justified by exceptional circumstances; but the present tranquillity of Ireland had been admitted on all hands, and especially by Chief Justices Whiteside and Monahan and Judge Barry. Those learned Judges, in their Charges to their respective Grand Juries, had borne witness to the absence of Ribbonism, and since July last, no person had been imprisoned under these Acts. It had been said that that would be the result of coercion; but in Waterford, Limerick, and Cork, which were under these Acts, there had been an increase of ordinary crime; while in Tyrone, which was not under them, there had been a decrease. He therefore denied that that tranquillity had been brought about by coercive measures; but even supposing that they had done good, there was no necessity now for retaining these Acts on the Statute Book. When a patient was restored to health, medical men did not continue the administration of medicines. If they did, a disease far worse than that which had been cured might be the result. In the same way, he feared that coercion would produce a worse disease than it was intended to cure, and that it would foster disloyalty among the people. It was said that disloyalty was due to political agitators; but what was it encouraged the agitators? Why should the Constitution in Ireland be suspended, and why should that country be treated in a different manner from the rest of the world? Since the year 1800, the system of governing Ireland was a succession of Acts of Peace Preservation and Coercion, interrupted by homœopathic doses which gave no real satisfaction to the people, and ignored the fact that the safety and integrity of the Empire must rest upon loyalty in the hearts of the people, and not upon terrors produced by coercive laws. The way to make people disloyal was to treat them as rebels. If coercion were an effective remedy for disloyalty, Ireland ought to be one of the best governed

countries in Europe. For one, he must protest against the Bill which the Chief Secretary for Ireland asked leave to introduce, believing, as he did, that in the present state of Ireland it was unjust, unconstitutional, and impolitic. By the course which they were taking, the Government admitted that the administration by England of Irish affairs was a failure, and proclaimed to the world that it was only by adopting measures of coercion that they were able to maintain their authority in that country.

Mr. STORER said, it was extremely difficult for any Englishman to understand why it was that Irishmen wished to do away with laws which they must admit had the effect of preserving peace and order in Ireland, especially when they were told by the responsible Minister of the Crown that the resident magistrates, the justices, and the police, all considered their continuance necessary. For his own part, he could account for the necessity of dealing with that country on a system so totally different from that which was required in England, only upon the theory that the people of Ireland were naturally fond of sport, and took a delight in being shot at. He had been in Ireland once, and, when there, had heard of a gentleman there who was fired at so constantly that he got the appellation of "Woodcock." And if coercive laws now in force were completely repealed, he had no doubt there would be one general conflagration in Ireland; for it was clear that no concession or sop which might be given to that country—in the shape of a destruction of a Church or robbing the landlord for the benefit of the tenant—would conciliate the Irish people, so long as they listened to the voice of agitators who led them for their own special purposes. He hoped, therefore, the Government would endeavour to conciliate Ireland in that which was the only proper way—by treating her as part of this great Kingdom, and not dealing with the inhabitants as if they were children in long clothes, who could not walk by themselves, and required petting. He trusted that Ireland, under a system of government which treated them exactly like the people of other parts of the United Kingdom without fear, favour, or affection, would soon regain the use of its common sense.

Mr. RONAYNE said, the fact that Ireland was legislated for by hon. Gentlemen like the previous speaker, who had only once been into the country, was sufficient reason why the Gentlemen with whom he was associated were asking for self-government. The result of the one visit the hon. Member had paid to that country, and the amount of information he had acquired whilst there, seemed to result in this—that he had heard somebody or another called "Woodcock." As to the hon. Gentleman's opinion that the people of Ireland should not be treated as children, but instructed in the art of walking alone, that was precisely what they wanted, but they protested against being followed about by policemen and arrested without any conceivable justification. It was no matter for surprise, he might add, that the wishes of the Irish people were not generally consulted in the passing of measures which related to them, since not only the right hon. Gentleman who was now Chief Secretary for Ireland, but the noble Lord who preceded him in office, had more than once expressed the hope that any mistakes which they might make in the discharge of their duties might be attributed to ignorance of that country, rather than to any desire to deal otherwise than justly by her. It was said the Irish people were disaffected; but if they were to be treated to nothing else but Coercion Bills, had they not, he would ask, some cause to be so? He recollected a speech of Archbishop Manning's, in which he said that Prince Bismarck had founded his charge of sedition against the Roman Catholic clergy in Germany on letters and documents which he refused to produce—secret information, he went on to add, on which no English Minister would found a coercion law. That, however, was precisely what an English Minister was doing in the present instance—founding a Coercion Bill on the authority of the police and magistrates, some of whom in many parts of Ireland were totally unworthy of belief. ["Oh, oh!"] Both in religion and politics the magistrates of Ireland as a class were hostile to the people, and hole-and-corner meetings of them could be got up at any time to vote for coercion. They got their information from the police, and the police in turn obtained it from persons who themselves committed crimes, and

by accusing other people sought to put the police on the wrong scent. He thought that if the House had before it the documents supplied by the magistrates to the right hon. Gentleman, they would find they were all based on the representations of the police. The noble Lord the late Chief Secretary for Ireland had told them as the land of Ireland was Protestant, the magistrates representing the land must necessarily be Protestant. In his own county—Cork—there were 390 magistrates, and of these only 65, one-half of whom were absentees, were Roman Catholics. He did not make use of that argument in anything like a sectarian spirit, for every one who knew him knew that he had just as great a respect for Protestants as he had for Catholics; but the result of that exclusion of Roman Catholics from the list of magistrates was that every petty sessions bench throughout the country was occupied by a number of men who differed from the mass of the people to whom they had to administer justice, in religion, in politics, and in sentiment. In fact, they differed from them in every point that could inspire confidence in their decisions. The consequence was, the people had no confidence in them. They were not singular in that respect, as the Government itself had no confidence in them, for they associated with them the stipendiary magistrates to be their teachers, and even to be spies upon them. Again, as regarded the control of the police, the county magistrates had no authority whatever. On the contrary, they were controlled by the police, instead of the police being controlled by them. The House, he was afraid, did not understand the difference between the county magistrates of England and the county magistrates of Ireland. In Ireland, they were a class distinct in creed and hostile to the people, and whenever it was proposed to make any concession to the people, the magistrates were those who were the foremost in opposing it. In England, on the contrary, there was a community of religion and of sentiments between the people and magistrates. The country was too overrun by the constabulary. A magistrate was not satisfied unless he had a policeman to attend him to church on Sunday, or unless he had a police station at his lodge gate; and all because he

had not to pay for them. If the House put the cost of the constabulary upon the landed property of the country, they would very soon find how few the magistrates considered were required for the preservation of law and order. When any extra police were quartered in a locality, it was the poor occupiers and not the landlords who had to pay for them, and that was a practice which gave rise to a great deal of oppression. Having said that much with respect to the county magistrates, he would now ask the House to consider who were the stipendiary magistrates who were to be their teachers. The Earl of Rosse told them that the men selected for the office of stipendiary magistrate were broken-down roués, men damaged both in fortune and reputation, and that the appointments themselves were jobbed away. Archbishop Whately said the same thing, and added that fitness was the only claim disregarded. They were men without any legal learning whatever, ignorant alike of law and of the principles of the Constitution, drunkards, and so involved in debt that they could not appear abroad except on Sunday. Some time ago the corpse of one who died in the town of Sherrone was seized for a debt which he owed his butcher, and he (Mr. Ronayne) had no doubt that if Government had acted upon the representations of that stipendiary, that poor butcher would have been locked up. The people of Ireland had no confidence in these appointments, and with regard to those whose opinions were taken on important questions for the guidance of Dublin Castle, the first question asked by them was, how the English Government would like to have them answered. He believed the right hon. Gentleman the Chief Secretary went over to Ireland with the very best intentions, but when he got there he was entirely in the hands of the Castle officials. The right hon. Gentleman had indeed navigated the Shannon on an outside car, and in a week solved the great question of its drainage, which had puzzled the best engineers for the last 10 years or more, and came back with the great ornithological discovery that the partridges are 10 days earlier in Ireland than they are in this country, and he could not help thinking that if the right hon. Gentleman had stuck to the partridges, he would have done

better for Ireland and better for the Government.

Motion agreed to.

Bill to amend and continue certain Acts for the Preservation of the Peace in Ireland, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 77.]

EPPING FOREST BILL—[BILL 52.]
(*Lord Henry Lennox, Mr. William Henry Smith.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. H. Smith.*)

MR. COWPER-TEMPLE said, that as he saw it was the intention of Her Majesty's Government to have the Order discharged, and the Bill referred to a Select Committee, he hoped the course now adopted would not prevent the Bill from being so altered in that Committee as to make it extend to one year instead of two.

MR. LOCKE said, it would be impossible for the Commission to complete their scheme respecting Epping Forest in such time as would enable legislation to take place next year, and it was desirable, therefore, that this Bill should continue for a period of two years, as was proposed.

MR. SHAW-LEFEVRE wished to know on what grounds it was proposed to refer the Bill to a Select Committee. If it was a mere formality, he would suggest that on the present occasion the formality should be dispensed with.

MR. W. H. SMITH said, it was done on the suggestion of the Examiner of Private Bills, and in compliance with the Forms of the House, it being really a Private Bill. The Government was anxious to have the question involved in the Bill settled as early as possible, and if it was found that a continuance for one year would be sufficient, the necessary alteration could be made in the Bill at a future stage.

Motion, by leave, *withdrawn*.

MR. W. H. SMITH moved that the Order that the Bill be committed be discharged:—That the Bill be referred to a Select Committee.

Motion agreed to.

Mr. Ronayne

Order for Committee read, and *discharged*.

Bill committed to a Select Committee, to consist of Five Members:—Mr. GOLDNEY, Mr. MASSEY, Mr. WINN, and Two to be nominated by the Committee of Selection.—(*Lord Henry Lennox.*)

POLICE MAGISTRATES (SALARIES)

BILL—[BILL 75.]

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross, Mr. William Henry Smith.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Henry Selwin-Ibbetson.*)

MR. SERJEANT SHERLOCK said, he had no intention of opposing the Bill. The London police magistrates were well entitled to the proposed increase of their salaries. He thought, however, a similar act of justice should be done to the Dublin police magistrates, who had more work and less pay than their London brethren.

Motion agreed to.

Bill read a second time, and *committed* for To-morrow.

MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND) BILL.

On Motion of Mr. GIBSON, Bill to amend "The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870," *ordered* to be brought in by Mr. GIBSON, Mr. BRUEN, Mr. MULHOLLAND, and Mr. MACARTNEY.

Bill *presented*, and read the first time. [Bill 79.]

DEAN FOREST AND HUNDRED OF SAINT BRIAVELS BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to ascertain and commute Commonable Rights in Her Majesty's Forest of Dean, and for other purposes relating thereto, and to Mines and Quarries, in the hundred of Saint Briavels, in the county of Gloucester, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 78.]

House adjourned at half after
Eight o'clock.

HOUSE OF LORDS,

Tuesday, 2nd March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Common Law Procedure Act (1852) Amend-
ment * (26).

Committee—Land Titles and Transfer] (11-27).
Report—Elementary Education Provisional
Orders Confirmation (Caister, &c.) * (14).

LAND TITLES AND TRANSFER BILL.

(The Lord Chancellor.)

(nos. 11-27.) COMMITTEE.

Order of the Day for the House to be
put into Committee read.

THE LORD CHANCELLOR said, he had thought it would be more convenient that he should explain the nature of the Amendments he intended to propose in Committee; but a question of very great importance—the question whether there should be introduced into the Bill a provision to render the registration of title compulsory—having been raised by his noble and learned Friend (Lord Selborne) he thought it would be more convenient that it should be brought forward on the Report rather than in the Committee. He had no objection to that course; and as the Amendments which he himself intended to propose in Committee were not such as to require explanation, and had been made in deference to suggestions from his noble and learned Friend and other quarters, and were in entire accordance with the provisions of the measure, he would move them without further observation.

THE MARQUESS OF LANSDOWNE said, he thought that there were two conditions essential to all legislation on the title and transfer of land—first, that registration should be compulsory; and second, that a title once placed upon the register should be irremovable. In both these respects the present Bill fell short of its predecessors. He regretted that the noble and learned Lord had given no further explanation why the present Bill differed in such important points from those of 1873 and 1874. By the former it was proposed that after a period of two years, registration should be compulsory; while the Bill of 1874, which extended the interval from two years to three, was still a Bill for compulsory registration, although on its

last stage the noble and learned Lord had introduced a provision to exempt from compulsory registration properties under £300. The Bill now before their Lordships fell short of these two Bills in two respects—namely, in not providing for a compulsory registration; and next, in containing a clause—the 21st—under which land placed on the register might be withdrawn at a subsequent time. The noble and learned Lord on the Woolsack, in explaining his reasons for withdrawing the clause for compulsion said, that any compulsion provided by a measure of this kind must be at best only an imperfect one: but, as his noble and learned Friend behind him (Lord Selborne) had pointed out, it would be a compulsion co-extensive with the necessity of the case—namely, a compulsion applicable to all property coming into the market. If a property did not come into the market, it mattered very little whether it went on the register. The noble and learned Lord on the Woolsack had said that the expenses of registration would press severely on the parties in the case of small transactions of sale and purchase, and that it was customary in some parts of the country to transfer small parcels for building purposes absolutely without any title whatever. He would ask whether it was not the present unfortunate condition of the law which drove the parties to the contraband practices which the noble and learned Lord had described in introducing the Bill? He was, however, unable to understand why registration should necessarily be made so expensive as the noble and learned Lord had described. The House had now an opportunity of removing a blot by doing away with the complicated arrangements connected with the tracing of title, and at the same time of removing an unfounded but widely-spread impression that real property was fenced round by artificial restrictions which were mainly in the interest of the class to which their Lordships belonged. Would this Bill effect that object? In 1859, Sir Hugh Cairns said that the grievance of the present system of tracing title had been felt for 200 years before. After 200 years of suffering on the part of those who had to do with the titles of land, and 16 years of consideration on the part of the noble and learned Lord, he thought they had a right to expect something more than

this Bill. He hoped it would be amended, and that it would become law in the present Session. The Bill of last year, having passed through their Lordships' House, was dropped in "another place" to give way to a re-actionary measure, the greater part of which was, in its turn, subsequently abandoned. The noble and learned Lord on the Woolsack seemed to be playing towards the Prime Minister the part which the Sybil played to Tarquinius Superbus. There was, however, this difference between the two cases. Unlike the Books of the Sybil, the former Bill of the Lord Chancellor was not destroyed, but reposed in the pigeon-holes of the noble and learned Lord, from which he entreated him to produce it, and to place it once more on the Table of the House.

THE LORD CHANCELLOR said, he was not surprised that the noble Marquess (the Marquess of Lansdowne), who brought so much intelligence to bear on all subjects in the discussion of which he took a part, should have desired to say something on this Bill; but as the noble Marquess had not refrained from introducing a matter which belonged to the domain of Party politics, and had stated that the Bill of last year, after passing their Lordships' House, had been withdrawn in the other in order to the introduction of a re-actionary measure, he would say that that Bill was not abandoned in any sense. What prevented the Government from proceeding in the House of Commons with the Land Transfer Bill of last year was the time occupied in the discussion on the Public Worship Regulation Bill. As to the Bill which he introduced into the House of Commons 16 years ago, the noble Marquess forgot that it was a Bill not for compulsory, but for voluntary registration. The more he considered this subject, the more convinced did he feel that in its voluntary character a measure of this kind would have the greatest chance of success, and in making a provision for compulsion in the Bill of last year, he did so rather out of deference to the course which was pursued the previous year by his noble and learned Friend (Lord Selborne) in the Bill introduced by him. When introducing the Bill now before their Lordships, he explained at some length why he did not make the Bill compulsory, and he was quite prepared again to state his reasons

for that course when the distinct issue was raised. But, as he had understood from his noble and learned Friend that it would be more convenient for him to raise that issue on the Report, he had refrained on the Order for going into Committee from discussing the point in the manner suggested by the noble Marquess. With regard to the provision in this Bill for allowing lands once put on the register to be removed from it, he had no strong feeling on that point. He did not attach much importance to it; and therefore, if their Lordships should be in favour of striking out that provision, he should make no objection.

THE EARL OF KIMBERLEY thought that in consequence of the provision in the Bill which would enable persons to register a possessory title, the difficulties arising from a compulsory provision would not be at all so great as the noble and learned Lord seemed to apprehend. Looking at the Bill from the landowners' point of view, he thought the Bill would prove inopportune. No doubt, they had a strong desire to see titles simplified, and the expense of the transfer of land diminished; but, on the other hand, they had a very natural fear that any measure passed by Parliament would have the effect of superadding further trouble and expense to those which already existed. If only an absolute title could be registered, a great many would consider the inquiry incidental to placing the title in the register would be little different from involving themselves in a law suit; but he believed there would be an anxiety on the part of many of those persons to register a possessory title, with the view of obtaining the absolute title which registration for a certain time would confer. The noble and learned Lord was a high authority on these subjects; but, as a landowner, and one who knew the sentiments of landowners, he greatly regretted that the noble and learned Lord had abandoned the compulsory provision; and, without assuming the character of a prophet, he ventured to predict that a few years would show that the Bill would not effect the object the noble and learned Lord had in view.

LORD SELBORNE said, that he would give due Notice of the Amendments which he intended to propose on the Report.

House in Committee.

The Marquess of Lansdowne

Amendments made; the Report thereof to be received on *Monday*, the 15th instant; and Bill to be *printed*, as amended. (No. 27.)

EUROPEAN ASSURANCE SOCIETY
ARBITRATION BILL.

(The Lord Chancellor.)

PRESENTED. FIRST READING.

THE LORD CHANCELLOR, in presenting a Bill for amending the European Assurance Society Arbitration Acts, 1872 and 1873, said, that as the Bill would have to be brought before the Standing Orders Committee and pursue the course which was usual in connection with Private Bills, it was unnecessary for him to detain their Lordships by any lengthy explanation. The European Assurance Company failed some years ago, and there were involved in it by amalgamation as many as 44 other Companies. The affairs of all these Companies had to be considered, adjusted, and wound up. For this purpose an Act of Parliament was passed authorizing the appointment of an Arbitrator. The Lord Chancellor for the time being was empowered to appoint a successor in the event of the Arbitrator's death, and any such successor was to be chosen among those who had been Judges of the superior Courts of Law and Equity. Under this power, he (the Lord Chancellor) was appointed the first Arbitrator; and afterwards, on his accession to the Woolsack, Lord Westbury was appointed to succeed him. Lord Westbury died in 1873, and the Lord Chancellor appointed Lord Romilly in his place. Lord Romilly died in 1874, and it was now necessary to appoint a successor to him. The amount of business still to be done was both large and irksome, and among those qualified under the original Act there was none who could be found to carry on the work. It had, therefore, become necessary to enlarge the area under which the choice of an Arbitrator could be made; and the matter was very important, inasmuch as, although the past Arbitrators had from time to time pronounced opinions on the cases which had come before them, all that had to be done in the shape of making an award still remained to be done. Inasmuch as some difference of opinion on certain points had been expressed by those who had acted as Arbi-

trators in this matter, it was thought desirable that, in the event of the Arbitrators differing from the decisions already given, there should be a single appeal allowed in certain cases to the Court of Appeal in Chancery, in order that a conflict of decisions might be prevented. He had defined these cases in a Schedule to the Bill. With that explanation, he should merely present the Bill to their Lordships, without asking them to read it a first time on that occasion.

Bill for amending the European Assurance Society Arbitration Acts, 1872 and 1873, *presented* by the Lord Chancellor, and *referred* to the Examiners.

House adjourned at a quarter before Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 2nd March, 1875.

CRIMINAL LAW — SENTENCE ON A
CHILD AT STALYBRIDGE.

QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether it is true, as stated in the "*Manchester Guardian*," that a child of seven years of age was, last month, sentenced at Stalybridge to two terms of seven days' imprisonment each, with "*hard labour*;" whether a child of such tender years can lawfully be subjected to such punishment, and whether it might have been sent to a Reformatory; and, if he can state what was the nature of the "*hard labour*" ordered?

MR. ASSHETON CROSS, in reply, said, it was true that a child was sentenced, not, however, of the age of seven, but of eight years, upon two charges of pocket picking to which it pleaded guilty. He was informed by the Mayor of the borough that hard labour was neither ordered nor inflicted, and that, under the particular section of the Act under which the charge was made, there was no power of sending the child to a reformatory.

NAVY—REPORT OF COMMITTEE ON BOILERS.—QUESTION.

MR. T. BRASSEY asked the First Lord of the Admiralty, When the Committee appointed to inquire into the condition and management of the boilers of Her Majesty's ships will make their final Report; and whether it is his intention to lay the Report upon the Table of the House?

MR. HUNT, in reply, said, he was expecting to receive a Report from the Commission in a few days, but he was afraid it would not be the final one. Whether it could be laid upon the Table of the House he was not yet able to state.

WESTMINSTER ABBEY—BURIALS.

QUESTION.

MR. NEVILLE-GRENVILLE asked the Secretary of State for the Home Department, Whether the frequent burials within Westminster Abbey are attended with risk either to the fabric or to the health of the worshippers therein; and, whether the Government will consider the propriety of recommending Parliament to add a cloister or campo santo to the Abbey Church for the future interment of the illustrious dead?

MR. ASSHETON CROSS, in reply, said, he had communicated with the authorities of the Abbey and with other persons, and he gathered that burials in Westminster Abbey were not quite as frequent as the Question would lead the House to suppose. He was told that the average for the last 22 years had never exceeded four a-year; that every possible precautions were taken, under the superintendence of the architect, to prevent the slightest danger to the fabric, and also to prevent any injury to the health of any person, and it was not believed that there was the slightest danger from any burial that took place in the Abbey. With regard to the second Question, the matter had been brought under the notice of the Government, who had made inquiries about it. There was one formidable obstacle at the present moment to the carrying out of such a project—namely, the enormous expense which it would involve.

INLAND REVENUE—ADULTERATION OF IRISH WHISKEY.—QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer, What steps have been taken to put a stop to the adulteration of Irish whiskey in Her Majesty's Custom Houses, in conformity with his promise to the House on the 26th June 1874?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had made no such promise. As to the subject of the Question, it was impossible to do more than was done now in the Custom House to distinguish pure whiskey from whiskey that was mixed. The present system of branding showed whether whiskey had been manufactured at one distillery or at different distilleries, and this practice was to be extended throughout the United Kingdom.

INLAND REVENUE—COLLECTION OF THE INCOME AND PROPERTY TAX.

QUESTION.

MR. MUNTZ asked Mr. Chancellor of the Exchequer, If there be any objection to relieve persons (appointed by the Commissioners of Taxes) of the duty of collecting the Income and Property Tax, by allowing such Tax to be collected by the parties who collect the Poor's Rate or by appointing special collectors?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there was no objection on the part of the Government to put the collection of these taxes into the hands of officers appointed by the Government. The only difficulty in the way was the reluctance of some of the present collectors themselves to give up what they considered a profitable business.

MERCANTILE MARINE FUND—BOYS IN TRAINING SHIPS.—QUESTION.

MR. J. CORRY asked the President of the Board of Trade, If it is the intention of the Government to exclude from the advantages that are proposed to be given to boys trained in Training Ships, all boys who have been trained in Industrial School Ships, who, although guiltless of any crime except destitution, have necessarily under the Industrial Schools Acts been committed to these schools by magistrates?

SIR CHARLES ADDERLEY: It is not intended to exclude from the proposed grants from the Mercantile Marine Fund, any boys who have been sent to training ships on the score of destitution: but only boys who have been committed by magistrates under the Reformatory and Industrial School Acts, which unfortunately at present confuse crime and destitution both in law and practice. The law at present gives a preference to boys so committed over others to such an extent that they get public grants in aid of their education to the amount of 6*s.* a-week, while boys not so committed cannot get more than 15*s.* a-year public educational aid. It was proposed that in all kinds of training ships, except reformatories, boys who are not committed by magistrates, who come by the charity of friends, or the care of parents, whether from inland industrial schools or any other quarter, may, if fit for sea service, be apprenticed to the training ship managers from the age of 14 to 16, and, on their apprenticeship being transferred to a merchant ship, £30 for the two years will be paid to the managers for their training, which, together with the advantages offered by the Admiralty and the usual private contributions, will, it is hoped, cover all their training expenses.

METROPOLIS—STREET CLEANSING.

QUESTION.

SIR WILLIAM FRASER asked the Secretary of State for the Home Department, Whether, in case of neglect of their duty by the Metropolitan Vestries as regards enforcement of the Law relating to cleansing foot pavements, any means exist to compel those bodies to fulfil such duty?

MR. ASSHETON CROSS, in reply, said, it was open to anybody to proceed against vestries or district boards for non-fulfilment of their duty, either by an indictment or by an application to the Court of Queen's Bench for a *mandamus*. What the result of such application or indictment would be it was not for him to say; but he must point out to the hon. Member that, according to the wording of the statute on the subject, the obligation imposed was to cause the footways to be cleansed in such a manner and at such times as they, the vestries or district boards, may think fit.

HARBOURS OF REFUGE.—QUESTION.

SIR EARDLEY WILMOT asked the President of the Board of Trade, Whether, having regard to the numerous shipwrecks and disasters to shipping which are constantly occurring in the Bristol Channel, as exhibited by the Wreck Chart of 1874, Her Majesty's Government will not consider the expediency of providing more effectual means for the preservation of life and property in that locality by the construction of some harbour of refuge accessible to vessels at all times of the tide?

SIR CHARLES ADDERLEY: The wreck chart now in preparation is for the last half of 1873 and first of 1874, and shows a favourable contrast for the Bristol Channel as compared with other parts. Harbours of Refuge have been suggested about the mouth of the Bristol Channel, at Padstow, The Mumbles, and Lundy Isle; but none of the casualties which occurred in the year referred to would have been saved by a harbour at any one of those localities. There are places where a much stronger and prior claim on Government aid in the general public interest has been laid; but local authorities in any place where a case of urgent local requirement can be made out will receive such consideration of their own undertaking as the law enables the Government to give.

CORONER'S INQUESTS—THE LATE SIR CHARLES LYELL.—QUESTION.

MR. W. CARTWRIGHT asked the Secretary of State for the Home Department, Whether his attention has been drawn to the circumstances under which, according to the reports in the public press, the Coroner for Middlesex has thought himself justified in enforcing an inquest on the body of Sir C. Lyell, notwithstanding that the natural cause of his death had been duly registered under a certificate from Dr. Andrew Clarke; and, whether such proceedings as the Coroner is reported to have taken were warranted by the Law; and, if they were so warranted, whether he will take into the consideration the bringing in of a Bill with a view of amending the Law, so as to prevent the possible recurrence of actions of a like painful nature on the part of any Coroner?

MR. ASSHETON CROSS: I observe that there are on the Paper, in addition to the Question which has just been asked, other two relating to the same subject—one standing in the name of the hon. Member for East Sussex (Mr. Gregory), and the other in the name of the hon. Member for Pembrokeshire (Mr. Scourfield). With the permission of the House, I will ask leave to answer all three Questions at the same time. It does not at all surprise me to see upon the Paper three Questions upon a matter which evidently creates great interest. I have put myself in communication with Dr. Andrew Clarke on the matter, and, with the permission of the House, I will state very briefly the facts as disclosed to me by him. Dr. Clarke had been in attendance upon Sir Charles Lyell for an affection of the brain for some time before the accident which befell him on the 9th of December last. At that time Dr. Clarke recommended the family of Sir Charles Lyell to call in Sir James Paget, as the accident was a surgical one. For some time afterwards Sir Charles Lyell was attended by Sir James Paget, Dr. Andrew Clarke, and the general practitioner who regularly attended the family, and to all appearance he recovered entirely from the effects of the accident. Afterwards the original affection from which he had been suffering increased upon him, and he was again attended by Dr. Clarke and his own regular practitioner until the time of his death, which did not occur until some 12 weeks after the accident to which I have referred. When it was pressed upon the family by the Coroner that an inquest should be held, Dr. Clarke expostulated with that official, to whom he presented a certificate of the cause of death in, I believe, his own handwriting. The Coroner, however, insisted upon holding the inquest, and I believe the facts made known in the public Press with regard to the inquiry are substantially true. If I were sitting as Chairman of Quarter Sessions, considering whether this inquest, held in the discretion of the Coroner, ought so to have been held and ought to be allowed in the accounts of the Coroner, I should strike it out of the list with the explanation that, in my opinion, it was a great outrage on decency and common sense. The House may perhaps be aware that the Secretary of State for the

Home Department has no power over Coroners. The power to dismiss a Coroner rests with the Lord Chancellor. I have nevertheless thought it my duty, as being responsible for the due administration of the law, to write to the Coroner for an explanation of his reasons for holding this inquest. I have, in reply, received from the Coroner a letter in which practically he states no reason, so far as I can see, which in any way justifies the course he took. Feeling strongly in regard to this case, I have thought it my duty, as the Lord Chancellor has a certain jurisdiction over Coroners, to represent the whole state of the case to my noble and learned Friend, leaving it in his hands to deal with the question as he may think best. I can only say for myself that if such acts of discretion or indiscretion were at all common among Coroners, it would be quite necessary to clip their wings.

SPAIN—CASE OF MR. H. D. JENKEN. QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have taken, or intend to take, any steps in order to obtain compensation for Mr. H. D. Jenken for the injuries inflicted upon him at Lorca in Spain in 1869; and, whether there has been any correspondence on the subject with the Spanish Government since the date of the last Return in 1873; and, if so, will it be laid upon the Table of the House?

MR. BOURKE: This matter was fully considered by the late Government, who, after taking the advice of the Law Officers, decided that they would not be justified in pressing the claim. In that decision Her Majesty's present Government concur, and therefore no further steps have been taken since the date of the Papers last laid before Parliament. There is no subsequent Correspondence on the subject, except one or two applications from Mr. Jenken asking for reconsideration, which have been answered in the manner I have stated to the House.

PEACE PRESERVATION (IRELAND) BILL.—QUESTION.

LORD ROBERT MONTAGU appealed to the Chief Secretary for Ireland not to take the second reading of this Bill until

after Easter, in view of the importance of the question, and the fact that many Irish Members were absent in Ireland at the Assizes.

SIR MICHAEL HICKS-BEACH said, he thought it would be to the general advantage that the second reading should be taken as early as possible. He proposed on Monday next to intimate on what day it would come on. At present he hoped the second reading would be taken before the Easter holidays. He expected the Bill would be in the hands of hon. Members to-morrow.

MERCANTILE MARINE—THE EAST WINDS — ASSISTANCE TO SHIPPING. QUESTION.

In reply to Mr. GOURLEY,

MR. HUNT said, that in view of the detention of ships in the Channel by the East winds, orders had been given to send a steamer to Portsmouth to assist homeward-bound vessels which might be in want of provisions.

PRIVILEGE—UNPARLIAMENTARY LANGUAGE—"UNCONDITIONAL ALLEGIANCE."—OBSERVATIONS.

MR. CHARLES LEWIS: I wish, Sir, to make a few remarks on a Question of Privilege with reference to what happened in this House on Friday night last in the course of a Motion brought forward by the hon. Member for Meath, (Mr. John Martin). It will be in the recollection of many hon. Members that in the course of the few observations I made I dropped the words "unconditional allegiance." I was about to found an argument upon the proposition previously made with reference to this question, but before I had time to finish the sentence the hon. Member for Louth (Mr. Sullivan) rose and asserted that the mere utterance of the words was a Breach of Privilege, proceeding to say that instances could be found in the constitutional history of the country to show that hon. Members had been sent to prison for using the words out of the House. You, Sir, rose and said that the words were un-Parliamentary, and I submitted as I was bound to do. No one can have a more profound respect for your decisions than I have, or be more ready to submit to them. I was satisfied, however, that the exact expression I used

did not reach your ears; and in consequence of what has since appeared in the public prints I wish to draw your attention, Sir, and that of the House, to the fact that as the case now stands, it appears to have been laid down by you that the simple use of the words "unconditional allegiance" is in itself a Breach of Privilege. I believe, with all deference, that that was not your meaning. I believe the words were misunderstood, and that it was not intended to lay down any such proposition confining the rights of speech in this House.

MR. SPEAKER: After the explanation of the hon. and learned Member for Londonderry I have no hesitation in saying that I misapprehended the purport of his remarks on Friday last. I understood him to be imputing to certain Members of the House that they only acknowledged a conditional allegiance in such a sense as to charge them with disloyalty. Under that impression I interposed, as such an expression would have been clearly un-Parliamentary. But it appears now from the statement of the hon. and learned Member that he was about to found an argument upon unconditional allegiance. Such being the case, I have no hesitation in saying that he was perfectly entitled to enter upon that subject, and had I clearly apprehended the purport of his remarks, I certainly should not have interposed.

EDUCATION IN RURAL DISTRICTS.

RESOLUTION.

MR. FAWCETT, in rising to call attention to the present unsatisfactory condition of Education in the Rural Districts, and to move—

"That, in the opinion of this House, it is undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in other branches of industry,"

said, the present appeared to be an appropriate time for bringing this important subject forward, because there seemed to be some danger that the general question of national education would not receive the attention it deserved. He believed that almost all Members of that House, on both sides of it, would agree with him in the proposition that education was just as important for persons living in rural dis-

tricts as for those who dwell in towns. If possible, ignorance was a greater misfortune to the former than it was to the latter. The activity of town life might, at least to some extent, supply the wants of early defective education; but if the early education of a rural labourer was neglected, there was nothing to relieve the dull monotony of his existence. If unable to read, leisure time became a burden to him. But, viewing the question simply from a labour point, he held that there was no greater fallacy than to suppose that an agricultural labourer did not require intelligence, but simply needed a knowledge of rough and unskilled labour. The very processes of agriculture—at any rate, many of them—required more intelligence on the part of the labourer than did many of the monotonous employments of workmen in manufacturing districts. Looking at the subject in that point of view—first of the labourer and next of industry—the House, he thought, would accept the proposition that it was as important that the rural labourer should be educated as that education should be secured to the artisan, the operative, or the miner. It was absolutely impossible to separate the education of rural districts and the education of towns. There was at present a constant emigration from the country to the towns, and no inconsiderable portion of the town labourers had passed their childhood in the country; and if education in country districts was neglected, the effect, sooner or later, must be felt in towns. The interests of town and of country were in this, as in so many other respects, so inextricably intertwined, that it was impossible to separate them. He had sometimes dwelt on this matter, because the question had been occasionally asked—“Why do you borough Members trouble yourselves about the country, and not leave the country to take care of itself?” He hoped, for one, that such recriminations would never receive the sanction of that House. They all of them had to look to their constituents; but they were also bound to render what assistance they could to improve the condition of their fellow-countrymen wherever they resided, whether in towns or in the country, or whatever their occupation might be. Starting from the proposition, then, that education was as important to the rural labourer as to

the inhabitant of towns, it followed that education in the rural districts was just as worthy the solicitude of the House as education in the towns. Let them, however, contrast the position of elementary education in the towns and in the country. So far as the provision of schools was concerned, it was unnecessary to point out that there was no distinction made between town and country. By the Elementary Education Act passed in 1870, and mainly through the assistance of the Party who now sat on the Ministerial side, not only every town, but every village was required to provide schools sufficient for the accommodation of all children between the ages of 5 and 13. He was not anxious to revive old disputes on the subject of his Motion. Whatever might have been the former opinion of his right hon. Friend the Member for Bradford (Mr. W. E. Forster), he was ready to admit that he was as anxious as possible to secure the attendance of children at school. When his right hon. Friend took a step in the direction of compulsion he was afraid—and he did not say that his right hon. Friend was wrong in fearing—that if he at that time attempted to go further in that direction a reaction might be the result. It was impossible at that time to foresee to what extent compulsion would be adopted by the town population. At the present moment every town with more than 100,000 inhabitants had adopted the principle of compulsory education; and he believed he was correct in saying that every town with 20,000 inhabitants and upwards which had a school board had embodied that principle in its bye-laws. Although it was said in the discussion of the Elementary Education Act that the principle of compulsory education was un-English, yet without the slightest influence from the Government it had been adopted in all the most important towns of this country. The borough population of England and Wales was already 9,800,000, and out of that number no less than seven-eighths were under school boards. But what was still more remarkable was this—that out of the whole number under school boards, though it was not obligatory to adopt compulsory education, 98 per cent of the population under school boards had adopted compulsory education. It might be said that this adoption of the compulsory principle was

Mr. Fawcett

a sudden freak, and that there would one day be a reaction. There was no sign of reaction, and every fact which could be observed tended exactly in an opposite direction. If compulsion had worked with hardship on the people, nothing was so easy as to revert to the former state of things. He was told that if a Motion were now made antagonistic to the principle of compulsion it would not have a single supporter in the school boards of London, Manchester, Birmingham, or any other large town. But in the country districts, there were only a few school boards, and only a small number of these school boards had adopted compulsion. In the county of Wiltshire, with which he was intimately acquainted, there were only five school boards in rural districts, and only one had adopted compulsion. In Dorsetshire, 12 country parishes had established school boards, and only three had adopted the principle of compulsion; there was not a single municipal borough which had a school board; there was only one Parliamentary borough—Wareham—which had a school board, and that had not adopted compulsion. In Shropshire, an extensive county, there were only four school boards, and only one had adopted compulsion. In some counties he was aware there were a greater number of school boards; but even there they were not very numerous, and only a few had adopted compulsion. In Suffolk there were 31 school boards, and only three had adopted compulsion. In Essex there were 35 school boards, and only six had adopted compulsion. In Leicestershire there were 16 school boards, and only three had adopted compulsion; therefore, summarizing the contrast between the town and country districts, it came to this—that in the towns nearly the entire population were at the present moment under compulsory education; whereas of the rural districts only a small proportion had school boards, and only a small fraction of these had adopted compulsion. He wished the House to understand in the clearest manner that while making these remarks he was not advocating the establishment of universal school boards. All that he contended for was that at the present moment school boards were the only agency by which children could be got to school, and until some other agency was provided by those

who were responsible for the education of the country steps should be taken to procure the attendance of children by that agency. He thought it was quite possible that there might be discovered some better way of getting children to school, and that the aid of the school Inspector might be most judiciously employed. But whatever might be the opinions of hon. Members upon that point no one could doubt that school boards in the country districts were extremely unpopular. He was not going to justify that position; but he would explain the reason. In the first place, it was supposed that school boards were expensive, and involved a heavy charge on the rates, and that they would interfere with voluntary denominational schools. With regard to the last objection, he had always been one of those who deemed it of primary importance to get children to school, and who thought it a secondary consideration whether they went to denominational or undenominational schools; but he thought that both extremes were equally to blame. He thought those were to blame who had resisted school boards where they were the only means of getting children to school, because it would slightly interfere with some denominational school; and as much to blame were those who held extreme opinions on the other side, and who would rather see a child grow up in ignorance, and have its prospects sacrificed for life, than allow it to spend an hour or two in a denominational school. Perhaps it might be urged that although compulsion was all very well for the towns, it was altogether unsuited for the rural districts. Now, what evidence was there on this point? If the opinion he had just referred to were held, it ought to have been proclaimed when the Elementary Education Act was passed; but he could quote authorities which could not be disputed, to show that it was impossible to expect education in the rural districts to be put into a satisfactory state without compulsion. Having already referred to Wiltshire and Dorsetshire, he would mention the remarkable fact that at a meeting held four or five years ago in the palace of the Bishop of Salisbury a resolution was passed affirming, in the strongest possible terms, that compulsion was necessary in order to put education in the rural districts in a

satisfactory condition. If asked why compulsion had not been more generally adopted, he would reply that it was one thing to approve compulsion as a general measure, and it was another for a country gentleman or a clergyman to incur the responsibility of using his influence to get compulsion in one village when there was no similar provision in the surrounding districts. The Act passed last Session to extend the Factory Acts provided that no child should be employed in a textile factory until he was 10 years of age. It was a great error to suppose that all factories were in towns. Lancashire and Yorkshire were dotted all over with factories, and if they were not going to do something to complete that legislation it would be a positive misfortune; for previously, under the half-time system, children between the ages of 8 and 10 received a certain amount of education. Again, another Act, passed with the support of the Conservative Party, laid down the important principle that no person should receive out-door parochial relief unless he sent his children to school; and this, unless supplemented by further legislation, would result in the anomaly that the child of an honest hard-working parent might have its education neglected while another child would be having its education attended to because it happened to belong to a drunken parent who was a pauper. The Agricultural Children Act, with all its shortcomings, supplied an unanswerable argument in favour of the extension of compulsion. In that Act they said that a parent should not send his child to work until he had reached a certain age, and unless he had attended school so many times a year. If they interfered with children at work, what possible reason could there be for non-interference with children who were not at work? If the question was put to the great Tory Party what legislation it was they most prided themselves on, they would probably say that for 30 years they had been consistent supporters of the Factory Acts. Formerly it might, perhaps, have been urged with some plausibility that the educational restrictions of those measures had simply grown out of sanitary legislation as an indirect and a collateral consequence; but the cogency of such an argument had been utterly destroyed by the passing of the

Mr. Fawcett

Factory Act of last year, which, without any reference to questions of health, provided that if children employed in a textile factory had not at the age of 13 attained a certain standard of education they should be compelled to go to school till they were 14 years of age. With regard to the Agricultural Children Act, it seemed at first sight to secure a certain amount of protection to the children up to the age of 12, though he thought he could show that at the age of 10 years and four months a child might be quite beyond the operation of the Act. It enacted that a child between 9 and 10 years old might be employed in agriculture, if in the previous year he had made 250 attendances at school, and that between 10 and 11 years of age he might be employed if he had made 150 school attendances, or, in other words, been four months at school and eight months at work; but between 11 and 12 years of age he might be employed if he had made 150 attendances, or had been at school four months in the preceding year. Now, under this Act, a child who had attained the age of 10 years and four months might slip out of it altogether. He might give the 75 days' attendance after he had attained the 10 years of age, and thus might pass out of the operation of the Act. He asked if this was not a mockery of educational legislation? Under the present system it was not the children who were neglected, it was the educational efficiency of the schools, and nothing could be more fatal to a school manager. Moreover, in thus allowing education to be lumped together in one portion of the year you were acting in defiance of all principle. The same system was adopted in the Print Works Act, of which the late Mr. Leonard Horner, one of our most experienced Factory Inspectors, said it was a mockery as an educational measure. This opinion was endorsed by Inspector after Inspector, who stated that, as an educational measure, it was altogether useless. Under the Factory Acts, children could not go to work till they were 10 years old, and must attend school till they were 14 unless they reached a certain Standard. In the rural districts children might go to school at 8 and leave altogether at the age of 10 years and four months, while no Standard of education was enforced in their case, and they might leave school

though unable to read and write. Nor was this the only point of difference. The Factory and the Mines Acts were enforced under strict inspection; but no one was responsible for carrying out the Agricultural Children Act, which must therefore inevitably become a dead letter. How could you expect clergymen, farmers, and country gentlemen to turn common informers against their neighbours and friends? From all parts of the country he had received communications to the effect that without inspection the Act was hardly worth the paper on which it was printed. Perhaps it might be replied that this point was met in the Amendment of the hon. Member for South Leicestershire (Mr. Pell). Now, he considered it a very strange Amendment. It was not an opposition to his (Mr. Fawcett's) Motion. So far as the Amendment went he accepted it. He understood it to imply not only more school attendance, but that it should be secured by adequate inspection. Although he accepted the principle of the Amendment, he was not certain that Her Majesty's Inspectors would be the best parties to look after rural education. The Inspectors of Factories had other duties to perform—to look after the education of children was only one of many duties devolving on them. Possibly it might be better to say that the advantages of inspection should be secured in the case of rural schools through the school Inspectors. He wished particularly to direct the attention of the Home Secretary to what he was now about to say. The other night, in granting a Commission to inquire into the operation of the Factory Acts, the right hon. Gentleman admitted the injustice and impolicy of having different legislation with regard to juvenile labour affecting different competing branches of industry. If there was different legislation, what was the inevitable result? It naturally followed that labour was disturbed, and that produced an unfortunate effect on industry. Mr. Tufnell said, that nothing could be more unfair than to apply different legislation to trades competing in the same branches of art. Mr. Norris said there ought to be free trade in juvenile labour, adding that the Factory Inspectors were unanimous as to the educational advantages of the half-time system; but thought serious harm would be done by a large amount of juvenile

labour leaving the restricted industries for industries which were less restricted. As far as possible, therefore, legislation ought to be harmonious, so that one industry should enjoy no advantage over another. There was no infallible barrier between town and country labour. There was a free interchange between them at present, and if a difference were made in town and country in the restrictions upon juvenile labour, manufactures and agriculture would not get their natural proportion. It was said that agricultural labourers were too poor; that it might be desirable to educate their children; but that they could not afford to sacrifice even a portion of their children's earnings. Now, he entreated the House to consider what that argument amounted to. It amounted to this—that in spite of all that they heard about agricultural improvements, and in spite of the kind things done by the clergyman, the country gentleman, and the farmer, the labourers in the most important of all industries were in a condition of such deplorable poverty that the minds of their children must be sacrificed to premature toil, and that intellect blighted which was the noblest work of God. That argument condemned the whole system of agricultural polity, and he would show beyond the possibility of dispute that there was no occasion to do injustice to the cause which hon. Gentlemen opposite advocated when they pressed such an argument. It was a mistake to suppose that all the agricultural districts were in the same position. There was one county in England—Northumberland—where the children were seldom set to agricultural work until they were 11 or 12, and not often until they were 13 or 14 years of age. What was the result of that state of things? Would any one acquainted with that county say that the sending of children to school until they were 12 years of age inflicted any hardship on the parents? Mr. Henley, son of the right hon. Gentleman the Member for Oxfordshire, was an Assistant Commissioner appointed by the Government, to inquire into the condition of women and children employed in agriculture, and his Report showed a very different state of things in Northumberland. Speaking of one of the largest unions in Northumberland, Mr. Henley said that in that union children were not set to

work until they were 10 or 11 years of age, and that in the summer months; and that they were often not set to work until they were 13 or 14 years of age—that there was no county in England in which agricultural labourers were so prosperous, and no county in which wages were so high; and that he found the cottages comfortable, and heard no complaints. Mr. Henley added that parents there looked upon their children's education as a great duty; that the farmers were great friends of education; that they urged that the children should be sent to school, and supported the schools themselves, because they recognized the simple but important truth that the most efficient and productive labour was intelligent labour. Another Commissioner said that, comparing Northumberland labourers with those in the South, if the Northumberland population had got into this happy position, why should not these advantages be secured to the labourers in the Southern, Eastern, and Western counties? To show that this premature employment of children did no good either to the employer or employed, he begged to direct attention to the words of another gentleman, who would doubtless be regarded as a high authority by hon. Members opposite. Mr. Stanhope was another of the Assistant Commissioners—he could refer to him now as the hon. Member for Mid Lincolnshire. That hon. Gentleman, who visited Dorsetshire, said that in no other county was there such an excessive amount of boy labour—that boys went to work at 8 years of age; and he made this very significant remark—that to this excessive employment of juvenile labour, and the insufficiency of food, he attributed the stunted growth and early decrepitude of the Dorsetshire labourers. Now, in arguing that something more must be done for the promotion of education in the rural districts, he admitted that this could not be done without producing some hardship. But it should be remembered that the restriction of juvenile labour tended to increase the value of adult labour. Did Gentlemen who supported the Factory Acts suppose they could restrict the labour of children in factories without bringing a bitter pinch to many a poor widow who depended on her children's labour? No great reform could be effected without cases of indi-

vidual hardship; but that did not deter hon. Gentlemen opposite from carrying out alterations which they believed in the long run would be productive of magnificent results for the entire population. And though the extension of education in the rural districts might occasion individual suffering, still he would appeal to hon. Members opposite to say that, in their opinion, the welfare of the rural population was not less worthy of their solicitude than that of those who dwelt in towns. In conclusion, he would remark that the present Government had a great opportunity which might not occur again. Supported, as no Conservative Administration had been for the last 25 years, by the agricultural interest, they were naturally anxious to prove their desire to do something for their supporters. They accordingly promised to reduce the rates, to improve the administration of turnpikes, to give to tenants compensation for unexhausted improvements. But surely the Government and Parliament would not be so ungenerous and unwise as to give ground for the suspicion that they were anxious to do all these things for those who had votes, but nothing for those who had none. To reduce the rates, to compensate for unexhausted improvements, to administer turnpikes well—these were all advantages which could at once be understood; but it behoved our statesmen responsible for the Government of the Kingdom to recognize this truth—that the best guarantee for the welfare of the country and for the permanent prosperity of its industry, was to secure that those intellectual and moral faculties should be developed which enabled a man to take an intelligent part in the industrial economy of the country, and worthily to occupy his position as a citizen of a free State.

LORD FREDERICK CAVENDISH, in rising to second the Motion, said, that nothing could be more anomalous than the state of society as shown in the West Riding of Yorkshire and Lancashire. The children in the towns were educated up to the age of 14, but if they lived outside the limits they were only educated up to the age of eight. He ventured to think that such an anomaly was most unjust, because the child who would enter upon the work of life uneducated had a heavy burden to carry. If that was the case when a large pro-

Mr. Fawcett

portion of our population was uneducated, it was still more so now. Uneducated children now would be in much the same position as the smaller towns which our railway system had missed—their condition would be worse than they were before. With respect to the Resolution of his hon. Friend, he could scarcely imagine what objections could be urged against it. It might be said it was only an abstract Resolution, which, if carried, would do but little good. To that objection he would refer later on. Another objection was that it was unnecessary; and a further objection was that it was futile, because it was impossible to secure what was asked for. It was needless for him to enter at any great length on the consideration of these points. His right hon. Friend the Member for Bradford (Mr. W. E. Forster) had provided the means of education for the agricultural child as well as for the factory hand—there were good and efficient schools for both. In that respect they stood on an equality; but what was their actual position? The noble Lord the Vice President of the Council, in moving the Education Vote last year, had stated it in these words—

“Thus, out of 2,200,000 on the books (of inspected schools) 900,000 had not attended for even half-a-year. If the attendance was so bad in the inspected schools, what was it likely to be in the non-inspected schools? . . . This irregular attendance of the children was the most important fact in the educational survey of the country, and it explained the poor results that were obtained from our immense expenditure on the children. What was wanted was both early and regular attendance.”—[3 *Hansard*, ccix. 1640.]

What were the means taken to enforce attendance at school in the agricultural districts? No direct means whatever were taken. It was true that there were some parishes which had school boards, and in many of these probably compulsory bye-laws had been enacted, but these parishes were generally towns with a considerable population; and there were about 14,000 other parishes without school boards, and consequently without any provision for the compulsory attendance of children. Even the indirect compulsion which only provided for a scattered attendance of the children was very different from what was required from factory hands. He thought they might, in this respect, fairly hope for some improvements. Last year they had raised

the age at which a child could work in a factory from 8 to 10, and he hoped the hon. Member for South Norfolk (Mr. Clare Read) would amend his Act by also raising the age at which children should engage in agriculture from 8 to 10 years. But he had a still more serious fault to find with the present system—it was, in fact, a dead letter. No means were taken to enforce it. Who was to act as informer in case of the violation of the Act, and who was to prosecute? He hoped to-night to hear an answer to those questions. With respect to direct compulsion, what reason could be urged against extending that to the country districts which already prevailed in the towns? It might be argued that it was a very good thing to talk about, but that it had very little effect—that it was contrary to English nature, and people could not be compelled. If that argument were used he should answer it by the statement of the noble Lord the Vice President of the Committee of Council on Education, when he said that in London, Hull, Sunderland, and other towns, the school attendance, when made compulsory, had been improved 30 per cent. If that had been the result in the towns, why should they not have equally good results in the agricultural districts? In country districts the difficulties in enforcing the compulsory bye-laws would be much less than in town. He believed that in almost every such district, numbers of people would be found ready to pay the school fees for those children whose parents were unable to pay them, and therefore there would be no difficulty on the ground of poverty. Again, in town, owing to the transitory nature of the population to be dealt with, there was often difficulty in obtaining the ages of the children, but in the country, where everybody knew everybody, this difficulty would not exist. If it were objected that this was a mere abstract Resolution, his answer was that they wished to have a fair discussion of the principle apart from any question of mere machinery, and to know the reason, if any, why this great boon of education should not be extended throughout the country. Last year, in the discussion on the Bill of the hon. Member for Birmingham, the Government insisted, in spite of all that was urged, in regarding the measure

solely as one for the universal establishment of school boards, and in disregarding its real object—namely, the universal application of the principle of compulsory attendance. They had been told by the noble Lord, in reply to his hon. Friend the Member for Birmingham, that as soon as the Government had decided to deal with the question they would make known their intention to the House. They might be certain, therefore, that the Government had not yet made up their minds to deal with the question; and yet he thought he might appeal to them. They called themselves the representatives of the agricultural interests, and he gave them the full credit of that honourable position; but he presumed that they would claim to be the representatives not only of the farmer and the landowner, but also of the agricultural labourer, and he trusted they would show at least equal care for labourers engaged in agriculture as for those engaged in factory labour. They had also told their constituents on the hustings that they were the only true friends of religious education. He was not prepared to yield to any body of Gentlemen in that House the sole credit of being devoted friends of religion; and he would appeal to hon. Members opposite not to allow, by their neglect of this great question, the idea to be sanctioned that the vital interests of education were neglected from some misplaced fear of injury to the religious character of our schools. He begged to second the Resolution.

Motion made, and Question proposed,

"That, in the opinion of this House, it is undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in other branches of industry."—(*Mr. Fawcett*.)

MR. PELL, in rising to move, as an Amendment, to leave out all after "undesirable," and insert—

"To withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,"

said, that the views held by Representatives of urban districts on this subject were very much the same as those entertained by Members connected with rural districts. A good deal of what had fallen from the hon. Member for Hackney

(*Mr. Fawcett*), therefore, met with a response on that side of the House; but the course he had taken was open to this objection—that he had proposed an abstract Resolution, and had imparted very little information to the House to assist it in handling the question. The hon. Member had told them that, as regarded education, there were no signs of reaction. That was, no doubt, true. Certainly, there was no reaction on the part of the Government. If any evidence were wanted to prove that, it was to be found in the new Code which had been issued that morning. Nor was there, he maintained, any sign of reaction in his Amendment, which he hoped would recommend itself to the House on the ground of its being practical, and calculated to bring many children employed in agricultural pursuits into school in cases in which, under other circumstances, they would probably remain away. The hon. Member for Hackney said, he was not an advocate for the universal establishment of school boards. What, then, was he an advocate for, which would come between school boards and the enforcement of the Agricultural Children Act? He had not sketched out any other way by which these children might be brought into the schools. He had said that individual responsibility could not stand in the place of school boards—which meant that in this country, with all our desire to see the children educated, very few people could be found to put the law into force where it was likely to give offence. He (*Mr. Pell*) regretted that there was so little feeling of individual responsibility in the country; but, as it had failed, it must be replaced by something else, and that something else had better be to apply the machinery we already possessed. The attendance of children at school was required under the Agricultural Children Act, but competent evidence had been quoted to the effect that the Act was useless, and that no one was responsible for its administration. Now, it was because he felt that to be so that he had placed upon the Paper the Amendment which he was about to move. He might be twitted with having said in previous debates that no inspection would be necessary, and that the Act would work by itself if left to the clergymen, the farmers, and the country squires. From

Lord Frederick Cavendish

the inquiries he had made throughout the country, right and left, he found that that had not been the case. Letters which he had received proved to him that it was now, above all times, desirable that some provision should be made on the part of the Government for securing the observance of the Act, for parents who were last year unselfish enough—and it required a great deal of unselfishness on their part—to give up the earnings of their children with a view to their going to school, now found that they were objects of ridicule to their neighbours when they saw the Act was not enforced. It was not well, in his opinion, that such a state of things should be allowed to continue any longer; but, at the same time, it was quite clear, he thought, that the feeling of the country was not in favour of direct compulsion in the rural districts. From the Minute of the Education Department for January, 1875, he found that the metropolis, with 3,266,000 inhabitants, was under direct compulsion; that 203 municipal boroughs, with an aggregate population of 6,500,000, were also under school boards, but not under compulsion; and that 13,000 separate parishes, with 1,000,000 of inhabitants, did not come under compulsion in any way. That showed that the feeling of the country was distinctly against compulsion. If that were the case, would it be wise in any Government to attempt to enforce compulsion? There was a great deal of beating about the bush as to the effect on the agricultural labourer of sending his children to school. It was believed that he was under the disadvantage of not being in a position to do so; but it should not be forgotten that agriculture had been to a great extent abandoned by women, and that little girls were not permitted by their parents to go out to work. Of course, the labourer found it very hard to make up the income thus lost to him, but it was partly done by means of the higher wages, and partly by means of some industry carried on in his house. The employment of young boys, he might add, was not much sought after by the better class of farmers. The machinery employed had become too heavy for them to work, while greater rapidity was demanded. Besides, there was a high sense of duty on the part of the majority of farmers as to what was

owed to a child, and they began to see that it was not well he should work too young. He had some figures on the subject which were conclusive on the point. It appeared from the last Census that there were of children between the ages of 5 and 10 employed in agriculture only 3,400, and between 10 and 15 there were 94,000. Of girls, on the other hand, between the ages of 5 and 10, there were only 220, and only 4,500 between the ages of 10 and 15. He had in these numbers included girls who were employed inside as well as outside houses. It had been remarked that, in the first instance, children were not educated under the Factory Acts. He did not find that to be the case. He had looked at the very earliest Acts on the subject, and he found the title of the first one to be "Factory Health and Morals Act." And how did that Act provide for morals? In a rather extraordinary way. It was enacted that education was only to be given on Sundays, and that apprentices in Scotland between the years of 14 and 18 were to be carried to the parish church. Then, again, the Act of 1833 dealt with education as well as health, as also did all the Factory Acts in succession. Having said so much, he would give some of his reasons for pressing his Amendment. He did so, first of all, because he believed that the Agricultural Children Act, passed by the hon. Member for South Norfolk (Mr. Clare Read), was a very reasonable measure. It did all it was possible to do at present for agricultural children. It made a very great change in the previous law, by declaring that children between the ages of 8 and 10 should not be employed in gangs. That being the case, having such an Act in operation—an Act that was almost universal, indeed, in its operation—he thought it ought to receive a fair trial, and that it ought not to be too hastily or heedlessly disturbed. Well, then, if they passed some such Amendment as he proposed, he thought they would be going a very great way to prepare the rural part of the country ultimately to accept something stronger in the shape of legislation than they were prepared for at present. Again, with respect to inspection, the Elementary Education Amendment Act enforced certain powers of inspection; but the Agricultural Children Act exempted pauper children from the

operation of the former Act who were of a certain age. Coming more directly to his own proposal, he might say that there were something like a million of persons who came under the jurisdiction of the Factory Inspectors, and altogether about 42 officers were employed in seeing to the observance of the different Factory Acts. On the other hand, the number of children between 8 and 12 employed in agriculture was about 60,000, and it was believed that eight Inspectors would do all the additional work required, at a cost of something like £2,400. In this calculation it was not the number of children that had to be taken into account, but the number of inspection centres, because children employed in workshops or factories and agricultural children were often to be found living side by side in the same village. Under these circumstances, it frequently happened that children who would have benefited by the Factory Acts were put to agricultural work, in which there was no inspection in the interests of education, and in this respect the establishment of an uniform system for both descriptions of labour was desirable. Some misapprehension appeared to exist with reference to the way in which these Inspectors would work. It was supposed that they would go into every field, farm, and school, ask for the children's certificates, and harass them for supposed infringements of the law. That was an entirely fancy picture; the Inspectors would not work in that way at all. Their main duty would be to explain the law, and to point out to employers what the consequence would be if it was not complied with. By this means he believed the education of children employed in agriculture would be improved, without any vexatious action whatever being resorted to. He trusted the Government would give the House some assurance that these Acts would not be allowed to fall into desuetude, but that steps would be taken to enforce their observance, not only with the object of promoting health and education, but also of insuring respect for the law of the land generally. He also expressed the hope that hon. Members who represented urban districts would disabuse their minds of the belief or suspicion that there existed on the part of the owners or occupiers of land any disinclination whatever to

see agricultural children educated side by side with the children of towns. Owners and occupiers knew well enough that the country was committed to the question of education. Nay, more, they recognized the principle that if the children were to have education at all, it could not be of too good a kind. Let it be as good and as thorough as it could possibly be. Above all things, let them impress upon the agricultural population that good education was not meant to fit them to become bad servants; that it was not meant to have the effect of driving or tempting them away from their villages under the vague and shadowy hope that they would be better elsewhere, but that it was meant to fit them all the more for their own proper work. Let their farm labourers know that it would be well for them to bring all the information they might derive from education to bear upon the industry to which they belonged; and that well-educated ploughmen, and even well-educated herdsmen, would, if they only worked patiently and waited patiently, in the long run have their reward. The hon. Gentleman concluded by moving his Amendment.

MR. J. G. TALBOT seconded the Amendment.

Amendment proposed,

To leave out from the word "undesirable" to the end of the Question, in order to add the words "to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,"—(*Mr. Pell*),—instead thereof.

MR. ASSHETON CROSS : I think it right, considering that the supporters, both of the Motion and the Amendment now before the House, have so often referred to the office I have the honour to hold, that I should thus early in the evening very shortly state the views which the Government entertain upon the question. And, first of all, I may say that I very naturally object to dealing with such a question as this in the form of an abstract Resolution. Taking into view how long and how often this question has been debated in the House, the Motion must be held to savour rather of the politico-economical view of the matter than of a view dealing with practical details, and giving us

Mr. Pell

something upon which we could positively work. I look upon it rather as holding up a universal panacea for all the evils that may exist in our educational system, than as an attempt manfully and boldly to grapple with all the different and varying conditions of the trades and industries of the country, and to show how all these differences can best be dealt with in a practical manner in connection with factories, workshops, and agriculture. One point in particular, passed over by the Mover of the Resolution, is the danger that might arise, were children to be suddenly withdrawn from agricultural labour and sent to school, of their places being supplied by women. I do not believe that such a practice would ever be allowed to become so common as it formerly was in this country, but you would run a great danger if you suddenly took away the children employed in this branch of industry of their places being supplied as I have said. Having said that, I should like to call attention to the practical nature both of the Motion and the Amendment. The Motion calls upon the House to express its opinion that—

“It is undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in other branches of industry.”

I should like to know what “other branches of industry” the hon. Member had in his mind when he framed his Motion. There are upon the Statute Book numberless Acts relating to different branches of industry. Does the Mover of the Resolution mean to say that the children of agricultural labourers are at once to be placed on precisely the same footing with the children employed in factories, under the highest educational standard applicable to such cases? If he does, then I am afraid he would find that such a measure introduced all at once would be extremely distasteful to the country and difficult to work. Or does he mean to say that the branches of industry to which he refers are the workshops? If he does, then I am quite sure that, upon reflection, he will feel that a great deal still will have to be done with the workshops in order to bring them into a proper state for such an arrangement. It will not do simply to say that the children employed in agriculture should be placed

on the same footing as those employed in the workshops. I say that the Motion is not one that the House can assent to, because it proposes nothing definite. Nor, with all deference to the hon. Member its Mover, can it be said that he threw much light upon the real difficulty. Considering that school boards are in operation carrying out their work all over the country, and that they have not put their compulsory powers into force in the rural districts, it seems, at all events, that they do not think that compulsion would meet the wishes of those with whom they have to deal. I come now to the Amendment of the hon. Member for Leicestershire (Mr. Pell). That is very different from the Motion. The Amendment proposes that we should not alter the Act, but that we should appoint an army of Factory Inspectors. [“No, no!”] Well, a small army. [MR. PELL: Only eight.] Then a very small army. I do not agree that that would be the wisest thing to do under present circumstances; but while doing so, I entirely repudiate the notion that we are not interested in the education of children employed in agriculture. On both sides, of late years, the House has shown the greatest possible interest in matters of education, and in the education of agricultural children. In 1867, the Liberal Government appointed a Royal Commission to inquire into the condition of the agricultural labourers. In the same year an Act was passed prohibiting children under the age of 8 years—now extended to 10—being employed in agricultural gangs. In 1873, after the Report of the Commission to which I have just referred had been issued, the Agricultural Children Act was passed. It is only by proceeding step by step that factory legislation has advanced to the stage it has now reached. Public opinion, it is true, has greatly grown in favour of such legislation; but this result has only been achieved by gradual and progressive legislation. I am not even certain whether the Act of 1874 is thoroughly accepted by the country as far as its educational clauses are concerned. Some people, indeed, are inclined to think that it goes too far. No doubt, the factory legislation does compel a much more regular attendance at school than the Agricultural Children Act. But when we come to the Factory Acts, we find 240 attendances for 700 hours; we have the

Workshops Acts with 192 attendances for 480 hours; and we have the Agricultural Children Act, as regards children under 10 years of age, with 250 attendances, making 725 hours; and as regards children above 10 years, 150 attendances, making 432 hours. With reference to the actual hours of attendance, therefore, a considerable stride has been made in the education of agricultural children. What I want to put before the House is this. The Act was passed in 1873, but it only came into operation on the 1st of January, 1875. It is quite true, for all practical purposes, that it did come into operation the year before its actual date, otherwise a great number of children would not have been able to go to work on the 1st of January of the present year, if they had not complied with certain educational conditions which they were bound to comply with. The result has been, undoubtedly, that a very large number of children have gone to school under the operation of this Act, preparatory to the Act coming into force on the 1st of January. The Act having come into operation on the 1st of January, we are asked on the 2nd of March in the same year to have fresh legislation on the subject. I do not think that is wise. I think that when an Act of this kind has been passed—and with the best intentions, as certainly it has been—you would be disturbing the mind of the country from one end of it to the other if you were to repeal that law and immediately pass another. You are asked to adopt that course only for this reason, because my hon. Friend says he is afraid it will not work. I wish he would wait a little, and see if it does work. If then he thinks it does not, by all means alter it; but before repealing the Act now in force, let us see how far it works. I now come to the Amendment of the hon. Gentleman who has just sat down. What my hon. Friend wants to do is, not to alter the Act itself, but to order an army of Inspectors. [Mr. PELL: No.] A small army. [Mr. PELL again dissented.] Well, then, a very small army, and not a large army of Inspectors. I do not agree with my hon. Friend that that would be the wisest course to adopt in the present state of things. Here is an Act of Parliament which, certainly in a very great part of the country, is looked upon as a very strong measure;

Mr. Ascheton Cross

and there is very great discontent in some parts with regard to it. I firmly believe, for my own part, that public opinion upon this matter will change gradually. I believe it has very greatly changed already; but I am quite certain that, if you have got an Act which is distasteful, and if you, at all events, put it at once into full force and vigour, you may run this risk—that instead of fostering public opinion in your favour for the purposes of education, you are likely to set public opinion against you. When this Act was put into force, there was a Letter issued by my predecessor at the Home Office to the Factory Acts Inspectors, calling upon them to inquire how it was working, so far as they could do so; and the answer which the Inspectors very properly gave to the Letter was that they would do all they could to make inquiries into the matter. But time had not yet been allowed them really to show how the Act was working, and I intend to issue fresh instructions to those Inspectors—without the additional army of eight proposed by my hon. Friend, for the present number is quite sufficient—to report very shortly to me how the Act is working; where it is found to pinch too hardly, and whether any and what alterations can be made in it by way of improving its operations; and I hope to be able in the course of a little time to communicate to the House much more information than they possess at present. There is another point which I think I am bound to lay before the House. The agricultural labourer must of necessity be very much mixed up with the labourer employed in the workshops, more especially when you take into consideration the lower classes of workshops, such as brickfields, that are scattered up and down the country. There you find some children first going to one and then to the other, and there is no doubt that at the present moment they are not under the same law. The Government have, as the House is aware, recommended to Her Majesty to issue a Royal Commission for the purpose of inquiring into all these particular workshops in order to see how far they can be brought into harmony with each other, and to ascertain what Amendments are wanted to arrive at the desired result. Of necessity the Commissioners will have to inquire into the condition of the children employed, and the Government and the

House will have the benefit of their advice. We shall then be better able to approach the subject, and to see how far the condition of the agricultural labourers differ from that of persons employed in workshops. I cannot help thinking, therefore, that before we stir further in the matter it will be wise to have before us the Reports of the Inspectors of Factories, and also the Report of the Royal Commissioners, in order that we may work safely as well as surely. I believe the object of every person in this House is to do what he can for the purpose of education; but I am sure it is not the wish of anyone who has that at heart to do anything which would raise public feeling against him and check instead of encourage the progress of education.

MR. DIXON said, the professions of the right hon. Gentleman were admirable, but his performances were distant, and would, he feared, be of the smallest possible value. The hon. Member for Leicestershire (Mr. Pell) had reminded the House that he had taken part with the present Secretary to the Local Government Board in the introduction of the Agricultural Children Act, and that he had stated that if that Act were not found in its operation to carry out their intentions they were prepared to ask the House to strengthen its provisions. Well, the Act, according to the hon. Member (Mr. Pell), had failed to meet the hopes of those who introduced it, and the time, according to the hon. Member, had come when it should be amended and strengthened. That, however, was not the opinion of the right hon. Gentleman the Home Secretary. He had caused investigations to be made within the last few days in a district containing 20 parishes, not far from the estate of the hon. Member for Norfolk. There was no school board in these parishes, and the average attendance was about 900 children. If the proportions were the same there between the numbers in and out of school as in other places, there would be 900 outside the schools. He would admit, however, that education was advanced in this district, and he would suppose that the number outside the schools was only 500. Children of school age were in other cases those between 5 and 13, but the Agricultural Children Act only applied to those between 8 and 12 years of age. There

would therefore remain only 250, and he would take the number as between 100 and 250. Now, a gentleman who had made personal inquiry found that in 11 of these parishes there had been no increase of attendance in consequence of the introduction of the Act, and that in the other nine parishes the total increase of attendance could not be placed higher than 30. It was not even certain that more than six attended in consequence of the Act. Now, if the Agricultural Children Act might be expected to work well and satisfactorily, it would be in the district in question. These inquiries corroborated the assertion of the hon. Member (Mr. Pell) that the Act was a proved failure; that there had been ample time to test its provisions; and that something ought to be done to remedy its defects. One reason for the failure of the Act was that it was neither known nor understood. One schoolmistress living within a few miles of the hon. Gentleman's estate said that she had never heard either of the Act or its author. Another reason was that, in exactly the same proportion that the Act was known and understood, it was discovered that it was so weak as to be utterly ineffectual and to be disregarded with impunity. Many children between 8 and 12 were employed by farmers; and it was known that this was illegal; yet no effort was made to bring those farmers to justice. At the time those inquiries were made farm-work was slack, and it was stated that there would be an increased number of these children employed later on, yet there was no intention to put the Act in force. In many parts of the country, no doubt, children between these ages were sent to school; but if it were found that no action was taken and that no penalties were enforced for breaches of the Act, the attendance would diminish and would in time entirely cease. Would not the Government, then, do something to improve an Act which their own friends told them did not and could not work? He was, like his hon. Friend (Mr. Fawcett), in favour of direct compulsion in education. Now, he would assume that the time had arrived when the Government had inquired into the operation of and had strengthened the Act so as to make it a real working Factory Act in the agricultural districts. The children between 8 and 12 would then be sent to school

for half their time—say for 250 attendances—and their families would be to that extent deprived of their earnings. But it was between 8 and 12 that they were able to begin work, and up to the age of 8 it was rare for children to be employed in farm labour. The House would then be told that it was wise and proper to deprive children between 8 and 12 of half their earnings in order that they should be educated, but that it would not be proper to send those children to school, who were under the age of 8, and who were not able to work at all. The early education of children was of the utmost importance, and though up to the age of 8, children could not learn much, they ought to be able to learn to read and write, and they might also acquire habits of order and obedience and aptitude for learning. They would be far better able to take advantage of the half-time system between the ages of 8 and 12, if they went to school before 8, than they would be if they had not been to school previously. Yet it was said we should continue to deprive children between 8 and 12 of half their earnings, and send them to school for half their time, but that up to the age of 8, when they were of no use to anyone, we should refrain from exercising any power of compulsion at all, and leave them to run about and waste their time, doing no good to any one, and infinite harm to themselves. In the county of Norfolk, where the children were well cared for, the introduction of school boards had increased the demand for certificated male teachers, whose salaries had risen, and school managers found themselves driven to employ mistresses young, timid, and inexperienced, who had not sufficient control over rough boys of 10, 11, and 12. Instances had occurred in which mistresses had been turned out of school by the boys, and had had to call in the assistance of managers to enforce discipline. These things showed the importance of getting children to school early. It was said the Resolution was vague, and such criticisms were usual; but, at all events, it served the purpose of those Bills which the Prime Minister defended the other day as useful in forming opinion, though not intended to pass. He believed the Resolution was definite enough, for it said we ought to have a perfect instead of an imperfect factory system, and that

Mr. Dixon

it ought to be supplemented by direct compulsion. He hoped the factory age would soon be 10 instead of 8, and he would say that up to that age there should be everywhere direct compulsion, which should secure that all children who were not at work should be at school. He was glad to hear the hon. Member for Leicestershire say that the cost of education was not a difficulty in agricultural districts, and, if that were so, why should it not be made imperative to send children to school? For children above 10 the Agricultural Children Act should be as stringent as the Factory Acts were in towns, and both should be as stringent as possible. It was once said the people would rise up against compulsion, but they had not done so in the large towns, where they could have resisted it most easily; and in rural districts, where the influence of the farmer, the parson, and the squire was irresistible, he could not but think that compulsion would work as beneficially as it had done in the towns. He knew of one small agricultural town in which there had been a Church school and a British school, stimulated by mutual rivalry, and the average attendance in the two did not exceed 200. A school board was formed, and a board school built, and in an incredibly short time the average attendance in the town was doubled. He knew of two other places in which the attendance had been doubled or trebled by the establishment of a school board. He was glad there were some country gentlemen who admitted that the present education in rural districts was unsatisfactory, and he hoped that both sides of the House would endeavour to remove the great disgrace which they all admitted.

Mr. FLOYER cordially united with the hon. Member for Birmingham (Mr. Dixon) in hoping that the country Gentlemen on the Ministerial side would join with the Members on the opposite side of the House in promoting a really good education for the children of agricultural labourers, and, indeed, for the children in all parts of the Kingdom. But he hoped the hon. Gentleman would forgive him for not accepting his invitation to join with him in attempting to entirely alter, so soon after it had been enacted, the legislation with regard to education in this country. He thought the argument of the Home Se-

cretary on the point was conclusive. Why did not the hon. Member for Birmingham state the deficiencies of the Agricultural Children Act when it was under the consideration of the House? [Mr. Dixon: I did.] He knew the hon. Member did take exceptions to it; but he did not remember that the hon. Gentleman proposed that the Factory Inspectors' services should be called for to enforce the Act. Upon an array of facts which for the most part were hypothetical, the hon. Gentleman invited the House after the Act had been in force only a few months to take a course which would affect almost every household in the country. The hon. Member said the country gentlemen showed a laudable anxiety that the children of persons employed in agriculture should be educated from the ages of 8 to 12, but that they were utterly regardless whether they received education or not before the age of 8. Such a statement was purely imaginary, and he was surprised that it should have been made by a Gentleman of the position and experience of the hon. Member for Birmingham. Long as he (Mr. Floyer) had sat in that House he did not think he had ever heard in it a statement so groundless as that. But there was some excuse for the hon. Gentleman's statement. The hon. Gentleman's life, as far as he (Mr. Floyer) knew, had been passed almost wholly in large towns. What, then, did he know about children in country districts? If he lived in a country parish he would know that there was every disposition in almost all parents to send their children to school at an early age. The hon. Member for Birmingham objected to the allegation of the Home Secretary that the Resolution proposed by the hon. Member for Hackney (Mr. Fawcett) was vague. He (Mr. Floyer) thought it was a vague Resolution. It proposed that all the Acts with regard to the education of children employed in factories should be applicable to children employed in agriculture. It did not define in plain language what the hon. Member for Hackney meant, but sent the House back to previous Acts for his meaning. He (Mr. Floyer) did not carry Acts of Parliament in his head, and it was impossible for the House to know what the hon. Member really asked. The occupation of the agricultural labourer was not

one which tended to produce any deterioration of mind; and, indeed, it was one in which he could learn, perhaps, quite as much as in some schools. In the field of nature, at all events, a man could learn to apply what he had been taught at school. He quite admitted that boys should not be employed in agriculture at too early an age; and there was among farmers a growing feeling in favour of such a proposition as this. Ten years, for commencing work, was perhaps a reasonable age. The education of a boy did not consist simply in that which he learned at school; education was that which would fit him for his future course of life, and show him how to earn his livelihood. It was a popular thing at some meetings to declaim about a miserable boy following the plough through a winter day; but it was very doubtful whether he would always be willing to exchange his occupation even for superior employments. A boy would never become a good agricultural labourer or manager of horses unless he began early. For his own part, he in no way undervalued the education imparted in the school-room; but he thought a system which carried on both educations *pari passu* was most likely to make the best men in that particular department of life to which most of them would be called. *Non cuius homini contingit adire Corinthum.* Every boy, indeed, had the means of raising himself; but nevertheless we must legislate, not for the very few, but for the large proportion who would not be able to raise themselves above the position in which they were born. The hon. Member for Hackney had quoted from a Report made by his hon. Friend the Member for Mid Lincolnshire (Mr. E. Stanhope); but he must be allowed to say that his hon. Friend's acquaintance with Dorsetshire was hardly sufficient to justify him in making so broad a statement as he had done. His hon. Friend was in Dorsetshire for a few days. [Mr. E. STANHOPE: Weeks.] Well, his hon. Friend no doubt used his time with great care and zeal; he visited many of the cottages, and saw the people at home; but his visits were generally made in the daytime, when most of the labourers were away from home. Of course his hon. Friend saw some of them, but still the House would hardly be warranted in relying on his information. He (Mr.

Floyer) could assure his hon. Friend that for some things Dorsetshire was celebrated. He believed, for instance, that they thatched better than any other county, while the fact that their land was unusually well tilled—which, of course, depended upon the ploughmen—showed that they were not so much behind other counties as his hon. Friend seemed to imagine. As he had stated before, he believed that the arguments of the right hon. Gentleman the Home Secretary were conclusive, because there was no doubt that if they wanted to improve the education of this country they should try and carry the people with them; it was no use to attempt to drive them, because they would not be driven. Nothing could be more painful than to have to send to prison any parents under compulsory powers; and though these compulsory powers might exist in the towns, the question was how far they were carried out there, and what discretion was used in applying them. He cordially supported the view of his right hon. Friend the Home Secretary in thinking that both these Resolutions were, at the present time, uncalled for.

MR. PHIPPS said, he was glad the hon. Member for Birmingham (Mr. Dixon) had, through his agents, been taking a tour through the southern counties, because the experience thus acquired had shown that the condition of the villages was better than the hon. Gentleman expected, and that the attendance at the schools was in the average good. If the hon. Member had made the tour 50 years ago he would have found a deficiency of school accommodation in each succeeding village, and that it was an exception to the rule to find a school in any of the country villages well cared for. But now throughout the length and breadth of the land there was in almost every village a school which was declared by Government Inspectors to be sufficient in point of the education given and in point of accommodation. In those schools where religious education was given it was not given at the expense of the State, but at the expense of private individuals; and, therefore, all who desired civil and religious liberty would find it provided for so far as education went in those schools. In a great majority of cases the schools had been raised by the efforts of the members of the Church of England and were sus-

tained by their contributions; and, so far as he could understand the advantages of education, taking into consideration the requirements of the different localities, it was as good in the villages as it was in the towns. He agreed with the hon. Member for Birmingham that every child ought to be educated, and that eventually compulsion must be employed. He believed it was no use going on building board schools unless there was a power of compulsory attendance. He could not agree with the hon. Member, however, that even where there was an efficient school a duplicate should be erected to do the same work. The Education Act of 1870 was one of the most important and beneficial measures connected with education that had ever been passed, and he looked upon it as the work, not of one Party, but of the whole House. If that Act were carefully administered and compulsion enforced it would be found to work well. He also considered the Agricultural Children Act to be a step in the right direction, and it would be wise before setting it aside to give it a fair trial. On every side he had seen a good desire, especially on the part of the farmers and the clergy, to do all in their power to make that Act a complete success. The great defect in the measure was that it did not give powers of compulsion to any particular person. It would be unfair to throw on the clergyman the task of enforcing the Act. That would be to put him in the invidious position of a kind of public prosecutor. A proper officer ought to be appointed for the purpose, and no fitter person could be named than the Inspector of Nuisances, for the simple reason that no greater nuisance could exist in the community than an uneducated child.

MR. M'LAGAN said, he would like to give a little Scotch experience as to the subject under discussion. The Resolution had been described as vague, abstract, and indefinite. It might deserve all these epithets; but he did not think any hon. Member who had spoken had denied, nor did he think it could be denied, that the assertion made in it was true—namely, that it was undesirable that children in rural districts should receive a worse education than children in towns. He agreed warmly with the proposition. He agreed also with the Amendment, if such it could be called.

Mr. Floyer

He did not think that it was opposed to the Motion at all; but, on the contrary, he regarded it merely as a suggestion thrown out by the hon. Member to enable the proposition contained in the Motion to be carried out. He had heard it stated by several hon. Members—and amongst others by the Mover of the Amendment (Mr. Pell)—that the education of the agricultural population of England was not in an unsatisfactory condition. He was surprised to hear that; for, on reading the Report of the Royal Commission, which inquired into the employment of women and children in agricultural labour, he found it stated that the agricultural education of England was in a most unsatisfactory condition. It might be that since that Report was issued, it had improved to such an extent as to have entirely changed its character, and coming as the statement did from so high an authority as the hon. Member for South Leicestershire (Mr. Pell) he was bound to believe that now, at all events, it was in a satisfactory condition. The Commissioners also stated another fact, which had been denied to be a fact in the course of the debate—namely, that one of the causes of this unsatisfactory state of education was the low wages of the labourers. He had heard it stated that the agricultural labourers of England were quite able to educate their children, and that it was a mistake to suppose that they required to keep their children from school and send them to work in order to eke out their resources. He had been surprised to hear that any one supposed a worse education was required for an agricultural labourer than was required for workmen who lived in town. The machinery now used in agricultural pursuits was of such a kind as to require great skill and no little insight on the part of those who had charge of it, and necessarily exercised their mental faculties to no inconsiderable extent. Without detracting from the skill and enterprise of the Scotch farmers, who had raised the agriculture of their country to its present superiority, he ventured to say that they could not have accomplished what they had done, had it not been that they had the agricultural labourers of Scotland to execute their orders, who received a first-rate education at their parochial schools. It would further be found by those interested in

the subject, that in those districts where they had the highest education, there also they had the highest wages, and, notwithstanding that, the cost of labour per acre was less, because that labour was directed by the education and intelligence of the labourer. The cost of labour, he said, was less per acre there than it was in those districts where the labourer was ill-educated and badly paid. But the rural population might be called on to perform other duties besides those connected with agriculture. For instance, the rural population of England, Scotland, and Ireland, was the great nursery of our Army, and as more attention was being paid to the education of our soldiers, it was absolutely necessary that the rural population should be educated up to the position which would qualify men for military service. The hon. Member for Hackney (Mr. Fawcett), moreover, had referred to the great emigration there was going on from the country districts to towns, and if those who came from the country were to have any chance of holding their own with town labourers, it was perfectly obvious that they must be put on an educational level. Since the Commissioners had proved—though it was denied in that House—that the education of agricultural labourers was in an unsatisfactory condition, it was for them sitting in Parliament to consider what was the remedy. The hon. Member for South Norfolk (Mr. Clare Read) had shown that the Commissioners were correct in their statement by introducing the Agricultural Children Bill three years ago. That Bill embodied a mild form of compulsory education. He was sorry to hear that the Bill had not come up to the expectations of its promoters, which fact was quoted as a reason for further legislation. The question they had to consider was whether they should not go further than they did then, and provide a complete system of compulsory education. The Home Secretary had spoken strongly on the subject, and said that compulsory education was so repugnant to the feelings of the people, that it would not do to force it upon them. Speaking from experience of Scotland, he ventured to say that objection had no force at all. Since compulsory education had been introduced there in 1873, there had been no child of school age who was not sent to school, and this applied not only to

children in towns, but also to children in agricultural districts and in the Highlands. Let the Government but introduce a simple clause into the English Act, providing for compulsory education, and they would have as great a success as that which had attended the introduction of the system in Scotland. In the City of Glasgow there was an immense number of children attending no school whatever; but immediately after the Act came into operation, and the people became aware that an officer had been appointed who would insist upon the children being sent to school, the number of children on the roll rose from 52,000 to 59,000; so that 7,000 children yielded to the pressure of the compulsory clause inserted in the Scotch Education Act. Again, only six months ago, in a mining hamlet, the industry was stopped, and the people were sent away. On the revival of trade, the people came back to the hamlet, but the school remained closed. The school officer in the parish visited the hamlet, and insisted that the people should send their children to school. Without any greater compulsion being exercised, the people went to their employers, and asked them to reopen the school, as otherwise they would be obliged to send their children two or three miles to school. They were as anxious to have their children at school as the district officer himself could be. He had thought it proper to mention these facts to the House—and possibly other Scotch Members might have similar facts to adduce—because it appeared to him that they were in need of the adoption of some compulsory system of education in England. With respect to the Education Act as it affected pauper children, of whom they had heard much that night, he trusted that the Government, who were giving so much attention to all social subjects, would not limit the education of those children to the Third Standard, but would extend it to the Fifth, at which it previously stood. If there was any class of the community whose children required looking after, it was the pauper class; and at the present time these children were thrust upon the agricultural population only half educated, which arose from no fault of their own or of the population, but from the legislation of that House, which ought to be remedied. He trusted that the few observations which he had made

on the subject of the system of compulsory education would be considered by the Government, and that they would, before this discussion closed, give the House an intimation that they were prepared, at all events, to improve the existing Act in the direction that had been pointed out.

COLONEL BRISE said, the debate had made clear two points. First, they had testimony from both sides of the House that they would never again hear the inadequate or insufficient earnings of the agricultural labourer pleaded as an excuse for his not being able to afford to send his children to school. Secondly, that there was not anything like the opposition in the country to compulsory education that there was a few years ago. He was one of those who never expected very much from the Agricultural Children Act of 1873, and thought it both insufficient and incomplete, and a patchwork piece of legislation, that it was going in the right direction, but not in the right way, harassing employers of labour without any adequate security that the object wished for would be attained, inflicting pains and penalties which might not after all have the effect of sending the child to school. He looked upon the parents, in the first place, as the responsible persons for the education of their children, though he admitted a certain amount of responsibility rested upon everyone who cared for the welfare of their fellow-men; but there was nothing in the Act to make a parent send the child to school, if not allowed to work, and a parent might make use of his services until he was 12 years old, when he would be free. He thought the Bill would be inoperative; but he was bound to say it had proved quite as useful as he anticipated, and give it time to work, it might do good; but it was monstrous now to say it had failed after a trial of only eight weeks, and therefore they must again legislate to provide a public officer to proceed against all delinquents. Next year or the year after, if no direct compulsion could be brought to bear, then would be time enough to consider what further legislation was required. It was often said that the employers of labour in agricultural districts were opposed to education; if that be so, if they were going to harass them by these persecutions, it would make them very much more so,

Mr. M' Lagan

but he denied that such was the case; if it was so in former times it was not so now. It was the late Bishop of Winchester who once said to a clergyman who complained to him that the farmers would not subscribe to his schools: "You must remember that the farmer only makes his money by sixpences at a time, and therefore you can hardly expect him to pull out his sovereigns for education as freely as the man who makes his money with much more rapidity." It was not surprising that there was a strong feeling against school boards in the country. He knew two adjoining parishes in his own county in which he was interested; in both of them education was carried out to its fullest requirements; in the one there was a school board, in the other the voluntary system; in the one there was a rate required of 1s. in the pound, in the other a voluntary gift by the large proportion of occupiers of 10s. for every 100 acres. The education was of as good a quality in one as in the other; but in the school board parish the farmer might be called upon for £6 or £7 for every 100 acres of land. No wonder he did not like a school board. Certainly the school board parish had this advantage, that it could secure the attendance of every child at its school—the compulsory clauses of the Act had been put in force, and one or two parents summoned before the magistrates at the commencement of the system, and a nominal fine of 6d. inflicted upon them had been quite sufficient to show them that the law must be enforced. But why should they not have direct compulsion without school boards? Why not have an elected body in every parish? He knew there were difficulties to be got over, and magistrates, not being elected, were not the proper persons to do this work; but they had an elected body of men in every parish in the persons of the Poor Law Guardians. Why not entrust them with this matter—not, perhaps, as individuals, but as a board—they had already gone a great way in that direction. Under the Elementary Education Act they had given them power to enforce the attendance at school of pauper children. They were carrying out that work very well and with satisfaction to the country; they had in their employment an officer—the relieving officer—much better qualified to assist them in that matter

than any other public officer they could lay their hands on. He believed they—the guardians—might safely be entrusted with this work; but one thing was very clear, that if they were to accede to the proposal of his hon. Friend the Member for Leicestershire (Mr. Pell), and send a little army of Factory Inspectors to lay informations and to worry and harass the employers of labour, they would have the whole country against them, and do more to injure the cause of education in the rural districts than anything that could be conceived. On those grounds, he should certainly vote against the Amendment of his hon. Friend the Member for Leicestershire, and he should also vote against the Resolution of the hon. Member for Hackney (Mr. Fawcett), because he did not understand by his abstract Resolution how far he meant to go.

MR. DODSON said, he was in hopes that the hon. Member was going to support the Amendment of the hon. Member for Leicestershire (Mr. Pell). The House had had three views upon the question put before them—namely, that of the Member for Hackney, that of the Member for Leicestershire, and that of the Government. He had heard with regret from the Home Secretary that the question was to be indefinitely shelved to wait for the Report of a Commission which he believed had not yet been appointed. Now, last year, the Home Secretary passed through Parliament an extension of the Factory Acts, and therefore his right hon. Friend could not feel any surprise that there should be a desire to extend some of the advantages of that Act to the agricultural districts. The Home Secretary asked, were the agricultural districts to be suddenly put on the same legislative level with manufacturing districts which had been gradually accustomed to such legislation. But the Resolution of his hon. Friend the Member for Hackney (Mr. Fawcett) dealt simply with attendance at school. In allusion to that his right hon. Friend the Home Secretary asked the House—though he could hardly have been serious in doing so—to consider that if children were forced into the schools there would be a return to the employment of female labourers in the fields. He thought that every one must feel that there was not the slightest danger of

that. It was urged that the Act of 1873 had been only two months in operation ; but it was from the 1st of January, 1874, that the children had to be brought into the schools in order not to be disqualified from employment on the 1st of January last; and if the Act had proved inoperative thus far, it was not likely that it would prove less so hereafter. The Home Secretary objected to the Amendment that it was too practical, and to the Resolution of his hon. Friend the Member for Hackney that it was abstract. He (Mr. Dodson) saw no harm in passing such a Resolution. For himself, he had not that contempt for abstract Resolutions which was often professed, especially by Members of a Government, because he had seen many important results flow from abstract Resolutions. This Resolution might cause the Commission about to be appointed to consider in what way effect could be best given to compulsory attendance in agricultural district schools. He had not expected any very great or immediate result from the passing of the Act of 1873, for it was no one's business to see that it was put into operation. He had rather looked upon that Act as an abstract Resolution, affirming a principle. He denied that agricultural labourers, as a rule, were not anxious to have their children educated. Though ignorant themselves, they knew how valuable education was, and they could distinguish good from bad or indifferent schools, and would make efforts to send their children to the best in their districts. Children in the agricultural districts could, however, earn from 2s. 6d. to 6s. a-week ; that was not a contemptible addition to the family income, and so long as attendance at school was not general throughout the parish it was hard to expect that some labourers should send their children to school while their neighbours sent theirs into the fields, and profited by their earnings. If all children were sent regularly to school the wages of labourers might rise, and that would be some compensation for the loss of their children's earnings. As to the farmers, they had been threatened with strikes, wages had risen, and labourers had emigrated ; it could not, therefore, be expected that they would be very anxious to send all the children to school, and to raise the price of labour against themselves. It was justly said that high-

priced labour was, generally speaking, good labour. That, in the long run, it was not dearer than low-priced labour ; was an economical principle which had been singularly illustrated in the book on the life of the late Mr. Brassey, who knew the valued price of labour in all countries. Educated agricultural labour would no doubt, though dearer, prove better labour. For a while, however, the effect of compulsion might be to make labour dearer without its being better. There were three difficulties which had to be overcome in seeking to educate the masses of the people. First, sufficient school accommodation had to be provided ; secondly, a sufficiency of good teachers had to be got ; and thirdly, good attendance had to be secured. Adequate school accommodation, if not already obtained, was in course of being provided, so that the first problem might be looked upon as solved. For the necessary number of teachers we must wait, but they would come in time. The important and pressing difficulty was the bad attendance of the children, especially in the agricultural districts. The complaint was repeated and re-echoed throughout the Reports of the Inspectors. There was only one remedy—namely, compulsion. It was an ugly word, and expressed a foreign idea ; but it was wonderful how much the idea had become acclimatized among us. For his part, he accepted it as a temporary evil ; because he believed that when a new generation of parents and employers should have grown up, the necessity of sending children to school would be so recognized, that compulsion would only have to be applied to the waifs and strays of society. In connection with almost all the branches of industry in the country, we had practically, although indirectly, adopted compulsion. Indirect compulsion seemed to him weak in two respects. First, it prevented a child working until he had been to school, but it did not prevent him from idling in the streets and lanes ; secondly, it seized upon a child who was just coming of working age and sent him to school, while during those earlier and more valuable years for education, when he was not capable of work, it did not send him into a school. For that reason, he (Mr. Dodson) most distinctly preferred direct to indirect compulsion, for it secured education better than indirect

Mr. Dodson

compulsion, whilst it did not interfere with work one single bit more. Then arose the question, to whom should the compulsory powers be entrusted? He thought there was a general agreement that neither the guardians, who had charge of paupers, nor the magistrates, who had to deal with criminals, should be chosen for this purpose. Another suggestion had been made—namely, that the authority should be given to the Inspectors of Nuisances; but it was hardly likely to meet with much favour. As to the school boards, he knew they were looked upon by some Gentlemen as the embodiment of all human wisdom; but while admitting that there were a great many which were doing excellent educational work, and that they might be suitable enough, as a whole, for large towns, he thought it would be inexpedient to force suddenly the same machinery upon the rural districts. Unfortunately, there were considerable facilities for men of one idea—in other words, men who were antagonistic to every one else—becoming connected with these boards, and it sometimes happened that the members acted pretty much in the style of the Kilkenny cats. But there were other objections to the general establishment of school boards—namely, that it would be multiplying elections, that it would be adding another local body to those already existing, and would increase the confusion and chaos which at present impaired all efforts to promote wholesome local administration. He wondered sometimes what would be the state of England a few years hence if they continued to legislate in the present theoretical manner. Everybody would be examined, everything would be analyzed, and every day and every hour would be engaged in electing somebody or some board. A main difficulty in the way of establishing a proper system of education throughout the agricultural districts, as of many other improvements, was the want of municipal institutions in our counties and rural districts equivalent to those which had been set up in the United States and in our Australian Colonies. He was not in favour, in the meantime, of indefinitely delaying the practical enforcement of education in agricultural districts, and he thought the Amendment gave some practical assistance towards obtaining that object. He was prepared to support

both the original Resolution and the Amendment. Like Captain Macheath, he could be happy with either, if only the other were away, and he should be glad to see them embodied into one substantive proposition.

MR. E. STANHOPE said, he was extremely sorry the hon. Member for Leicestershire (Mr. Pell) had allowed his little squad of eight Inspectors to interfere with the consideration of the more important proposal of the hon. Member for Hackney. The varied interpretations which had been given by that proposal showed its extremely wide and indefinite scope. Seeing that the Act could have been enforced only in 1875, and therefore that practically it had only come into operation during the present year, he regretted that any attempt should have been made to interfere with it before it had had a trial of more than eight weeks. Had the Resolution of the hon. Member for Hackney merely gone to the extent of affirming the necessity for the attendance of children at school in agricultural districts, as had been asserted by the right hon. Gentleman opposite (Mr. Dodson), he should have had much pleasure in going into the same lobby with him; but, unfortunately, the hon. Member's Resolution, if carried, would establish a much more dangerous principle—namely, that the employers of labour in agricultural districts should be placed under exactly the same restrictions as to children's labour as the employers of labour in factories were. But surely the hon. Member would scarcely contend that the employers of in-door were in exactly the same position as the employers of out-door labour were? The factory owner could get his work done at all times of the year, and at every hour of the day and night equally; but the farmer's work was entirely dependent upon the weather or the season, and if not done at a particular season, might not be done at all. The restrictions imposed by the Factory and similar Acts were a compromise between different claims, and in the case of farm labour the compromise was between school and work; but in the factory a third claim came in, that of health. It appeared to him that the proposition of the hon. Member was based upon what the Bishop of Manchester had recently termed "an entirely mistaken analogy."

He ventured to submit that these two propositions had been established by indisputable evidence—first, that there was a necessity in certain parts of the country and at certain seasons, for the employment of boys' labour in agriculture; and, secondly, that advantage, both mentally and physically, accrued to the boys from such employment. He believed that he might make out a very strong case in support of his first proposition, from the circumstances of the county which he had the honour to represent (Mid Lincolnshire). In that county employers felt very strongly the necessity for the employment of boys' labour not being too much restricted, inasmuch as without such labour it would be impossible for them to carry on their business. He, however, did not rest his case upon the claims of the employers; he also rested it mainly upon the claims of the children. In the second Report to the House of the Commissioners on this subject, one of the most able of that body, Mr. Tremeneere, stated that while, on the one hand, there were no reasons upon physical grounds for excluding boys from farm labour, there were, on the other, the very strongest reasons why they should be allowed to work at a reasonable age, and it would be a very serious thing to take away the earnings which they carried home to their parents. The Report of the Education Commission of 1861, which was signed by men of undoubted educational reputation, and which was marked by moderation and good sense, very strongly expressed the opinion that when the children arrived at an age when their labour became really important to their parents, it would be impossible for Parliament to resist the claim of the latter that their boys should be permitted to contribute towards the expenses of the household by means of their labour. The hon. Member for Hackney had warned him against resting his argument on the ground that the parents of agricultural children were unable to pay the school fees; but it was not merely the school fees that were in question, there was also the amount that the boys might earn to be taken into consideration, and it was the latter that occasioned the main difficulty in dealing with the case. The hon. Member for Dorsetshire (Mr. Floyer) referred to a Report of

his (Mr. Stanhope's) relating to that county; but it was surprising that the hon. Member, having paid so much attention to the subject, had allowed six years to pass before calling attention to it. This was not the time to dwell upon that subject, but in reference to a passage in his Report which had been quoted by the hon. Member for Hackney in support of his argument, he might explain that it had been written with the object of showing that the practice of sending boys out with horses all the year round was to be deprecated, and might easily be put an end to by requiring the boys to be sent to school at certain periods of the year. In the manufacturing parts of the country great difficulty had been experienced in obtaining proper technical training for our labourers, and fears had been expressed that, unless we succeeded in giving them such training, we should lose our superiority among nations. But in agriculture that difficulty was not felt, and it was to the skill of our agricultural labourers, as well as to the ability and capital of their employers, that our success was in a large measure due. Had the House forgotten the old workhouse schools? In these an excellent education was given to boys up to the age of 13, but they were then found to be useless for any practical purpose, and to show no disposition to earn an independent livelihood. He yielded to no man in the desire to give to these children, a real, practical, sound training, and he was glad that this question had been brought forward, because it was always useful that the weak points of a system should be exposed. There were, however, two objections he had to the proposal of the hon. Member for Hackney—first, that he was endeavouring to go a little faster than the country was yet prepared for; and, secondly, that the present machinery had yet hardly been tested. He was not now referring to the Agricultural Children Act alone, but to the Education Act of 1870. We had not yet tried all the means at our disposal under that Act for getting young children into the country schools, and, in his opinion, the first great necessity of the day was that of getting all children under the age of labour to school. What would be the result if they could be brought into those schools? The Bishop of Manchester said it was quite possible to teach

Mr. E. Stanhope

a child soundly and thoroughly all it was necessary he should know by the time he was 10 years old. In this opinion, he (Mr. Stanhope) could hardly agree, believing that if a child were left alone after he was 10 there was great danger of his forgetting all he had learnt before. But this House had gone beyond that. They had, by means of the Agricultural Children Act, shown their intention to keep children partially at school till 12 or 13. And as to that Act, on the whole there was a desire in the rural districts to carry it out in the spirit in which the House had passed it. Some prosecutions had already been instituted under it; but unless a little time was allowed to the farmers and others in those districts we should run the risk of losing their co-operation altogether. He did not believe in a whole army of Inspectors. You could not carry out such a system unless you carried the people of the country to a considerable extent with you. As was said on one occasion by the right hon. Member for Birmingham (Mr. Bright), he preferred in these matters steady progress to a great rush, because by taking the latter course they ran a risk of creating reactionary feeling which would defeat the object they had in view; and he feared that if the hon. Member (Mr. Fawcett) stirred up this question so soon he would be like those statesmen of whom it had been said that they pulled up the plant every morning to see how it was growing. The danger pointed out by the Home Secretary was a real danger. If too great restrictions were imposed upon boy labour, we might run the risk of re-introducing female labour. Hon. Gentlemen might reply that if the people were only educated we need not be afraid of female labour in the future. But the fact was, that in Scotland and Northumberland, where the labouring population were the best educated, female labour most prevailed. If he were called upon to choose between the moderate employment of boys and female labour, he must choose that which would the best secure domestic training. He thought, too, that the moral duty which every boy ought to feel of endeavouring to earn an independence and help his parents in maintaining the home was, at least, as essential to real education as any mere book learning. Be-

lieving that the Motion would alienate employers without conciliating parents, that it would undermine independence, and tend to destroy skilled labour in agriculture, he should certainly vote against it.

Mr. W. E. FORSTER said, he had seen with some alarm the hon. Gentleman rise to oppose the Motion, thinking that as he had already shown such ability and had studied this question so closely he would probably produce some strong arguments in support of his views. It did not appear to him, however, that the hon. Member had in the least degree weakened the case made out for the Motion. Indeed, the hon. Member seemed to mistake the object and purport of the Motion. He said we ought not to do anything to interfere with the moderate employment of the children of farm labourers after they were 10 years old. It was not the object of those who supported the Motion to do anything of the kind. What the hon. Member for Hackney looked forward to was the combination of work and schooling after 10 years of age. It was desirable that there should be a moderate amount of employment; but it was also desirable that there should be a reasonable amount of education. Two objections had been taken to the Resolution—one to its form, and the other to its object. The Home Secretary and other hon. Members had stated that it was unadvisable to deal with matters of this kind by an abstract Resolution; and, quite independently of the form, they thought that for the present there had been enough legislation for the agricultural districts with regard to education, and that it was premature to attempt to do more. His hon. Friend (Mr. Dixon) said truly, that whenever a grievance which it was desirable to remedy was condemned by a Resolution the Government of the day—and probably the Government to which he had belonged was equally liable to the reproach—generally pronounced such a Resolution inexpedient. But in submitting this Motion his hon. Friend (Mr. Fawcett) was only following out the hints given by the Government themselves last year. His hon. Friend (Mr. Dixon) then submitted no abstract Resolution, but a Bill carefully framed to meet this difficulty in what he believed to be the best way. The Vice President

of the Council met him not by complaining of compulsory education, but of the machinery by which it was obtained. The supporters of the Motion did not want to hear the same objection this year. They admitted that the machinery was of great importance, and that it would be better for the Government to frame it than for a private Member to do so; and they therefore now very naturally laid down merely the general principles on which they thought the evil should be remedied. As to the object of the Resolution, his hon. Friend had been charged with what he was neither attempting nor desiring to do—the application of the Factory Acts, as they stood, to the education of children employed in agriculture. Now, his hon. Friend had no such absurd idea as to take hold of the agricultural child and say that the same regulations should apply to him as to the factory child. But he did say that, somehow or other, we should secure to the agricultural child as much education as was already secured to the child of the factory worker. Was that an unreasonable demand? Surely county Members should be as anxious to fulfil it as borough Members were, and Members on both sides should unite in bringing about such a result. He could not help thinking that hon. Members opposite were hardly aware of the great difference between the legal position of the agricultural child and the child of factory workers as regarded education. He did not think they could be aware how very much more the law neglected the farm labourer's child, and how very much more it interfered with the master manufacturer and employer of almost every description of artisan. The hon. Member opposite (Mr. E. Stanhope) said how unfair it was to compare factory work, where the mills were going day and night, with farm labour, which was subject to the variations of the weather. Now, the fact was that under the Factory Acts since 1844 no child could be employed at night. The Home Secretary had not quite the acquaintance with the subject which he should have expected; but, of course, having been under the operation of the Acts ever since he was 22 or 23 years of age, he (Mr. W. E. Forster) ought to know something of it. The right hon. Gentleman, however, conveyed the impression

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Ripley) appealed to the Home Secretary to change the age at which children might be employed under the new Factory Act from 10 to 9. The House, however, refused to listen to that appeal, and the House did quite right. His Colleague told the House, and no doubt correctly, that it did not know the exact circumstances of the trade of Bradford. It was very probable that those who supported this Motion did not know the exact circumstances of the farmer or the farm labourer. But special knowledge was very often special pleading, and there would have been very little reform if the House had listened to the arguments of the interests specially affected. It happened that the question of factory labour was the first upon which he spoke in public. He was one of the supporters of Lord Shaftesbury; and he felt at that time that if it depended solely upon the employers in the factory districts whether there should be compulsory education for the factory children or not, they would never get it, and that their only chance of ever obtaining compulsory education was in the assistance of the country party, who certainly did not know so much about the matter as the employers, but who had more sympathy with the children. The supporters of the present Motion had perhaps the same knowledge of the agricultural children as Lord Shaftesbury had of the factory children; but whether they knew the exact position of farmers and agricultural children or not, they at all events knew that the farm labourer's children were growing up without the same amount of education as the artisan's children, and that they ought to get it in order to enable them to fight the battle of life. At all events, the matter should not be left where it was. The hon. Member for South Norfolk (Mr. Read) said, when he brought this question forward that in fixing the age at 8, he simply did so because it was the age at that time fixed by the Factory Act; and the hon. Member for Leicestershire, when his Colleague at Bradford was arguing against "10," said that the age of 10 would be a good age for the farm children too. Why did not the hon. Member say this while the Agricultural Children Act was being passed? For himself, he admitted that he was glad to get that Act, even weak as it was; and he acknowledged his obligation to

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"He was determined that all children employed in manufactures should, as soon as possible, have the benefit of such education as legislation could secure them."

He did not know when he had felt more delighted, and he jumped up to express his gratification at the words which had fallen from the right hon. Gentleman. He could not, however, for a moment suppose that the right hon. Gentleman did not refer to all the children in the Kingdom, whether engaged in agriculture or manufactures. The Home Secretary could not have conceived that legislation had done all that could be effected by what had been called the patched-up work of the Agricultural Children Act. Whose vocation was it to look after the interests of the agricultural population? If ever there was a Government formed of the country or county party it was the present. Of the six Members of the present Cabinet in this House, four were county Members, and not one a borough Member; and he could not but suppose that the Members of the present Cabinet were anxious to promote the interests of their future constituents. It might be that the parents were not their constituents yet; but they were always anxious to let it be understood that non-electors as well as electors were their constituents; and scarcely anyone had

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of education, and to have children instructed not only in reading, writing, and arithmetic, but in such knowledge as during the period of their attendance at school they could acquire. But it had been asked why, if he was so anxious to secure the attendance of children at school, he did not produce a Bill to give effect to that desire. Well, if he thought it would be any service to the Government to take that course, he should not hesitate to do so; but he believed he would, in adopting it, be rather embarrassing than helping them. Whenever a plan was brought forward, as he hoped one would be at an early day, to secure the attendance of children at school throughout the country, great difficulties would, no doubt, be involved in connection with the machinery; and he felt that any independent Member, in attempting to elaborate the details of a Bill on the subject, might prejudice any machinery which his noble Friend might hereafter propose. That remark applied especially to the machinery for enforcing attendances in the rural districts. School boards had been alluded to; but while there was no doubt a willing school board was the best tool to be used, an unwilling or reluctant one might be the worst. He wished, however, those who were opposed to the extension of school boards throughout the country to remember this fact that every year that the Government put off bringing in any measure for compulsory attendance was making the argument in favour of the hon. Member for Birmingham (Mr. Dixon's) Bill all the stronger, because if they could only have compulsion with school boards, whatever might be their disadvantages, it would be better than no compulsion at all. And now he might observe that, although he was not prepared with an exact plan for compulsory attendance throughout the country, he thought there were certain principles which might be aimed at, which he should be glad to be allowed to state. They were the result of close study while he was at the Education Office, and he had since reflected upon them. He was of opinion, in the first place, that to abide by the principle of indirect compulsion without direct was not only likely to be inefficient, but very often likely to do harm. Again, they really must see that indirect compulsion ought to be applied to all trades and employments. It was unfair to the em-

ployer and unjust to the child in one trade that it should be interfered with, while another trade was left untouched. They had also arrived at a time when they might say not only that they would allow work and school to go on together, but that, if a child did not go to work it must yet go to school. All these points involved compulsion up to a certain age—he hoped the House would decide upon 10, but, at any rate, 9—until which time there should be school, but no work. Then, after that time, up to 13 or 14, unless a certain degree of proficiency were attained, work and school ought to go on together. What was wanted in order to attain these objects was not a mere improvement of the Agricultural Children Act or the consolidation of the Factory Acts, but also a general law for direct compulsory attendance throughout the Kingdom. He could not fail to be aware of the desire felt by his noble Friend to carry out the work of education. He now enjoyed great power for the purpose, for he had the confidence of those who represented the agricultural party. There were, at the same time, great difficulties in the way of working the matter out. It was, however, the business of his noble Friend to try and meet those difficulties. The honour to him would be great if he succeeded in doing so, and he felt assured his hon. Friend the Member for Hackney (Mr. Fawcett), as well as himself, was prepared to give him every assistance in his power in achieving that object.

VISCOUNT SANDON thanked his right hon. Friend who had just sat down for the handsome way in which he had spoken of the Code that he had been able to lay upon the Table, and assured the House that he fully appreciated the approval of so high an authority. With respect to the compulsory attendance of children at school up to a certain age, that was a much more serious question. With regard to it, he might say he believed such was the feeling entertained by hon. Gentlemen on both sides of the House that they had all an equal desire to secure that the children should spend a proper time at school. The point of difference was how that school attendance was to be secured. He would not enter into the many large questions which had been opened up by his right hon. Friend in the course of his speech, because they related rather to the question of general

Mr. W. E. Forster

education than to that which had been raised by the Motion of the hon. Member for Hackney (Mr. Fawcett). The question before the House had, in his opinion, been reduced to a very narrow point. Hon. Members representing counties—such as Dorsetshire, Mid Lincolnshire, and Essex, and other parts of the country, had strongly expressed their desire to get the children of the agricultural population into the schools, and had thrown out many valuable suggestions as to how that end should be attained. The opinion of the Government had been sketched with great accuracy by the Home Secretary. The fact was, they could not shut their eyes to the circumstance that the Agricultural Children Act had really only been in operation for eight weeks, although certain provisions of it came into force last year; and only that short period had been allowed them to judge as to the bearing of the Act upon the education of the children whom the Act was intended to benefit. The right hon. Member for Bradford (Mr. W. E. Forster) had alluded to his long experience of the operation of the Factory Acts, and then referred to the circumstance that the Legislature had only touched the agricultural population during the last two years. Surely that statement of itself furnished a sufficient reason why they should not be over hasty in pressing changes upon a great interest like the agricultural interest, as to which the experience was so short compared with that in connection with the manufacturing interest in towns. The legislation with regard to the latter interest began 20 or 30 years ago, and it had been worked up gradually, first touching one branch of it and then another, until it had reached its present condition. That, he thought, was a good argument in favour of more time than eight short weeks being devoted to the experience of an Act before venturing to amend it. The hon. Member for Hackney (Mr. Fawcett) had proposed “to call attention to the unsatisfactory state of education in the rural districts;” but he had refrained from alluding to the quality of the education there supplied. In point of fact, the education afforded in the rural districts showed results fully as good as that given in towns, as was proved by official Returns. For the year ending the 31st of August, 1870, the rate of grant given per head in in-

spected schools in England was as follows:—Rural districts, 9s. 7½d.; in town districts, 9s. 7d.; mixed districts, 9s. 6½d. It thus appeared that the somewhat despised rural districts were able by their intellectual exertions, to earn more than the towns, where the education was assumed to be so much superior. In Scotland the results were even more remarkable, the grant per head in that part of the Kingdom being 9s. 7d. for rural districts, 8s. 5½d. for town districts, and 9s. 5d. for districts mixed. He thought the hon. Member for Hackney must have had no inkling of the facts, otherwise he would not have passed over the state of rural education so lightly. Last summer he (Viscount Sandon) selected 60 rural and an equal number of urban schools at hap-hazard, in order to ascertain the proportion of scholars who passed the upper Standards in each division. He found that in the rural districts more than one-fourth of the full timers and more than one-half of the half timers passed the upper Standards; while in the urban districts only one-sixth of the full timers and one-sixth of the half timers attained the same grade. With regard to attendance, he had only to point out that the whole matter as yet rested on assumption, and that the rural districts had certainly not been proved to be so deplorably backward. Before further action was taken on this subject he hoped hon. Gentlemen would study carefully the Reports of the Commission which inquired into the employment of women and children in agriculture some years ago. The Commissioners in question, Messrs. Tremenhare and Tufnell, inquired particularly how far the provisions of the Factory Acts could with propriety be applied to the rural districts, and after hearing a vast deal of evidence extending over three years, they came to totally different conclusions—a fact which proved the difficulty of forming a correct judgment on the subject. The more those Reports were studied the more serious appeared the difficulties in the way of carrying out the scheme before the House. One of the chief difficulties arose from the different character of agricultural occupations in various parts of the country. In one part children were employed in the winter and not in the summer; in other parts during the summer and not in the winter; in another they were employed from 7 to

10 years of age, and in a different district from 10 to 12; while in another part of the country they were not wanted until the age of 14 years. That variety was an element which must be considered in regard to this question. Another point of serious difficulty was that a large number of small freeholders and occupiers of land would be unable to spare the labour of their children. Then again the wages of children might be thought to be a trivial affair; but when cases had to be dealt with in which children earned 4s. or 5s. a-week, while their parents themselves only earned 12s., it would be seen that the subject was one which ought not to be hastily treated. The opinion of the agricultural labourers as a class was fast turning in favour of education, and it would be a misfortune to arrest it by any inconsiderate action on the part of the Legislature. The feeling of the country itself was also a matter worthy of attention. Of the 1,039 school boards that had been formed only 335 had passed laws in favour of compulsion; while in 1874 out of 408 there were 91 that had passed such laws. His own belief was that on this question the feeling of the country was in a state of poise; and under these circumstances, the most advisable policy in his view was not to push compulsion further at present, but to retain the support of the country in carrying out the great work of giving all children a good education. It might be asked, what was the Government doing in the matter?—and, in reply, he would say that, in the first instance, they were watching—as they were bound to watch—the working of the Agricultural Children Act. Before the hon. Member for Hackney gave his Notice, instructions were given to the officials in the Education Department to watch the working of the Act very carefully, so that by the end of the year they might be in possession of trustworthy reports, from which to judge of its working in an educational point of view. A similar instruction issued from the Home Office, in order that the operation of the Act might be judged from the Factory Inspectors' point of view; and in the meantime the Education Department was closing up the supply of efficient schools for every part of the land. By the end of another year he hoped this great work would be completed; and in the meantime, in order

to put within the reach of every child a thoroughly good school as soon as the school buildings were completed, the Department had revised the Code. By this means, they hoped to infuse fresh life and spirit into every school in the land. The new Code provided for rather extended teaching, and also made certain provisions to meet the cases of very small schools where they could not have school boards, and which could not get good teachers without additional aid. Here, again, the Government was assisting in the work of providing good schools for agricultural children. He quite acknowledged—looking to the Report of the Royal Commission on the Employment of Women and Children in Agriculture, that the difficulty of finding a proper solution to this great question was not slight. Still, he had no doubt that they would in time succeed in achieving the great object they had in view. Whether it would be obtained by direct or indirect compulsion he could not pretend to say, nor did he feel himself called upon at the present time to express any personal opinion on the matter. He saw on all sides the most hopeful symptoms. Public opinion in the country was more active than ever upon the question. This was shown by the enormous voluntary contributions which were pouring in for the assistance of schools, by the zeal of the school boards, by the Reports of the Inspectors of Schools, and by the unanimity which existed upon both sides of the House, which showed that whether hon. Members represented rural or urban constituencies, they were alike determined to push forward the great work of the general education of the country. In the meantime, Her Majesty's Government would give no opinion as to the proper course of action necessary to be pursued hereafter. A year's trial of the Agricultural Children Act would afford them considerable information, and they would watch very closely the progress of education generally in the country. Of one thing he was quite clear; neither the House nor the Government must at the present moment be bound by any Resolution whatever, whether abstract or concrete. The Government must throw themselves upon the confidence of the House with regard to the subject. They had, as a Party, given great pledges in the matter. They had steadily supported

Viscount Sandon

the Factory Acts from the very beginning. A Royal Commission appointed by the late Lord Derby investigated to its very depth the whole question of the condition of agriculture. As a Party, they passed the Agricultural Children Act, and as short a time ago as last Session they passed a law affecting factory education. They had every right, therefore, to claim the confidence of the House upon this question. It would be impossible for them to belie the whole former career of the Party, strengthened as it was by a support of the Education Act of 1870. Theirs would be the very last hands to check the rising aspirations of the agricultural labourers—aspirations daily growing in strength—that they should be placed on a par in the matter of education with their brethren of the operative classes throughout the land. This was a great aim to be kept in view; but in order to its accomplishment, caution was positively necessary—a caution which would be guided by the experience which every day would give them of the working of the great Acts now in operation.

THE MARQUESS OF HARTINGTON said, no one on that side of the House would wish to deny to the noble Lord and his Party credit for the part they had taken in promoting the cause of education, or the proposition that they were anxious to see the education of the agricultural classes improved. What was wanted of them was that they would show the same energy and zeal in reference to the last-named branch of education that had marked their conduct in relation to the education of dwellers in towns. The right hon. Gentleman the Home Secretary objected to the proposal of the hon. Member for Hackney (Mr. Fawcett) on the ground that it was an abstract Resolution. He had noticed that the feelings of hon. Members in that House on the question of abstract Resolutions differed very much in accordance with the side of the House on which they happened to sit. Hon. Members on the Ministerial Benches entertained no very great horror of abstract Resolutions when they sat in Opposition. It must be admitted, as a general rule, that the discussion of a question was not very much advanced by the passing of abstract Resolutions; and although a most useful discussion had been raised by the proposal of the hon. Member for

Hackney, he might have been tempted to request the hon. Member to reconsider his intention to divide the House, if they had received from the Government anything like a definite assurance that they were seriously considering the question, and that they had any intention of proposing to the House a measure which would in any manner meet the views and intentions of those who had supported the hon. Member. No such assurance had been given. All they had done had been to promise that they would watch the working of the Agricultural Children Act of two years ago. If there was anything which the Members of a Government liked in an adverse ratio to their dislike of abstract Resolutions, it was the Reports of Royal Commissions; but the right hon. Gentleman not being able to appoint another Royal Commission to consider a subject which had been very carefully considered already by one such body, had announced his intention to await the Report of a further Commission, which had yet to be appointed to inquire into another matter. It was not very difficult to foretell the result of the working of the Act which the Government had announced their intention to watch with so much care. The hon. Member for South Leicestershire (Mr. Pell)—himself one of the fathers of the measure, and therefore not unlikely to take a sanguine view of the case—had that evening expressed his opinion that the Act in its present form was quite certain to prove a failure. Supposing, however, the Government were to find the working of the Act satisfactory, he would like to know whether they would regard the fact as satisfying either their own aspirations or the aspirations of the country. If the Government had answered this question in the negative, he might have been disposed not to defend the Motion of the hon. Member for Hackney; but the Government had told them nothing of the sort. From all that had been said, the House might fairly assume that in the opinion of the Government, a satisfactory working of the Agricultural Children Employment Act would be a satisfactory solution of the question; and that although they were the authors of a measure which fixed 14 as the age up to which the children in manufacturing districts should be educated, they thought 10½ years a suffi-

cient limit for the children in agricultural districts. The Government had said that they must not go faster than public opinion, which, in the agricultural district, was not in favour of direct compulsion. He would like to know on this question the nature of the steps they had taken in order to ascertain the exact direction in which public opinion tended? It was not, perhaps, to be expected that public opinion would, in the first place, be favourable to compulsion. As had been candidly acknowledged by his right hon. Friend (Mr. W. E. Forster), public opinion in the manufacturing districts was against the principles of the Factory Acts when they were first introduced, but now they admitted the wisdom of the legislation. The noble Lord had stated that public opinion on this question was in a state of poise. If that was so, let steps be taken to ascertain the direction in which the balance of opinion tended. If the Government were not prepared to assent to the abstract Resolution of the hon. Member for Hackney, why did they not, at any rate, say that they would not be satisfied until education was provided as amply for agricultural children as for children in manufacturing districts? But they had said nothing of the kind. The House might be told in a few years after the working of the Agricultural Children Act had been carefully watched, that it was in fair operation; that the intentions of the Legislature had been executed; and that nothing more remained to be done. After the unsatisfactory declaration of the Government, he should not feel justified in asking his hon. Friend the Member for Hackney to withdraw his Resolution, and he trusted that he would divide the House upon it.

MR. FAWCETT, in replying, said, he had brought forward an abstract Resolution with the object of raising a debate upon direct compulsion, and, if possible, of extracting from the Government some plain and positive declaration that they could understand. Last year an attempt was made with a Bill, but they studiously avoided any declaration upon the principle. Of all places in the world from which complaints could come of abstract Resolutions, the strangest certainly was Her Majesty's Government. A year or two ago the Prime Minister tried to turn out a Ministry by supporting an abstract Reso-

lution on the subject of economy. Had they forgotten the abstract Resolution on local taxation, moved by the hon. Baronet the Member for South Devon (Sir Massey Lopes)? Why, they lived upon it for two years; they gained county seat after county seat by it, and he fancied all that the farmers would get out of that abstract Resolution were the few words which it contained. With regard to the Amendment, he was not opposed to it as far as it went, but it only touched one of the three essential points which were dealt with by the original Resolution. If, however, his Resolution should not be carried, he would accept the Amendment.

MR. W. EGERTON said, that in the event of the hon. Member for Leicestershire's Amendment being put as a substantive Motion, he should move a further Amendment declaring the undesirability of further legislation at the present time.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 149; Noes 229: Majority 80.

AYES.

Acland, Sir T. D.	Davies, R.
Adam, rt. hon. W. P.	Dickson, T. A.
Amory, Sir J. H.	Dilke, Sir C. W.
Anderson, G.	Dillwyn, L. L.
Ashley, hon. E. M.	Dodson, rt. hon. J. G.
Backhouse, E.	Dundas, J. C.
Balfour, Sir G.	Edwards, H.
Barclay, A. C.	Egerton, Adm. hon. F.
Barclay, J. W.	Ellice, E.
Bass, A.	Errington, G.
Bassett, F.	Evans, T. W.
Beaumont, Major F.	Eyton, P. E.
Biddulph, M.	Fawcett, H.
Brassey, T.	Ferguson, R.
Brooks, M.	Fitzmaurice, Lord E.
Brown, A. H.	Fletcher, I.
Cameron, C.	Fordyce, W. D.
Campbell-Bannerman, H.	Forster, Sir C.
Carington, hn. Col. W.	Forster, rt. hon. W. E.
Carter, R. M.	Gladstone, W. H.
Cartwright, W. C.	Gourley, E. T.
Cave, T.	Gower, hon. E. F. L.
Chadwick, D.	Grieve, J. J.
Childers, rt. hon. H.	Hankey, T.
Cholmeley, Sir H.	Harrison, C.
Clifford, C. C.	Harrison, J. F.
Collins, E.	Hartington, Marq. of
Conyngham, Lord F.	Havelock, Sir H.
Corbett, J.	Hayter, A. D.
Cowan, J.	Herbert, H. A.
Cowen, J.	Hill, T. R.
Cross, J. K.	Holland, S.
	Holms, J.

The Marquess of Hartington

Hopwood, C. H.
Howard, hon. C. W. G.
Ingram, W. J.
Jackson, H. M.
James, Sir H.
James, W. H.
Jenkins, D. J.
Jenkins, E.
Johnstone, Sir H.
Kay - Shuttleworth,
U. J.
Kensington, Lord
Kingscote, Colonel
Kinnaird, hon. A. F.
Laverton, A.
Lawson, Sir W.
Leeman, G.
Lefevre, G. J. S.
Leith, J. F.
Locke, J.
Lorne, Marquis of
Lush, Dr.
Macduff, Viscount
Macgregor, D.
Mackintosh, C. F.
McArthur, W.
McCombie, W.
McLagan, P.
Maitland, J.
Marjoribanks, Sir D. C.
Meldon, C. H.
Monck, Sir A. E.
Monk, C. J.
Morley, S.
Muntz, P. H.
Mure, Colonel
Nevill, C. W.
Noel, E.
Norwood, C. M.
O'Byrne, W. R.
O'Gorman, P.
O'Keefe, J.
O'Reilly, M. W.
O'Shaughnessy, R.
O'Sullivan, W. H.

Palmer, C. M.
Peel, A. W.
Pennington, F.
Perkins, Sir F.
Playfair, rt. hon. L.
Plimsoil, S.
Power, J. O'C.
Price, W. E.
Ramsay, J.
Rashleigh, Sir C.
Rathbone, W.
Reed, E. J.
Richard, H.
Robertson, H.
Russell, Lord A.
St. Aubyn, Sir J.
Samuda, J. D'A.
Samuelson, B.
Seely, C.
Shaw, R.
Sherlock, Mr. Serjeant
Sherriff, A. C.
Simon, Mr. Serjeant
Smith, E.
Smyth, P. J.
Stacpoole, W.
Stansfeld, rt. hon. J.
Stanton, A. J.
Temple, rt. hon. W.
Cowper-
Trevelyan, G. O.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Walter, J.
Whitbread, S.
Whitwell, J.
Whitworth, W.
Williams, W.
Yeaman, J.
Young, A. W.

TELLERS.
Cavendish, Lord F. C.
Dixon, G.

NOES.

Adderley, rt. hn. Sir C.
Agnew, R. V.
Allen, Major
Allsopp, S. C.
Anstruther, Sir W.
Arkwright, A. P.
Arkwright, F.
Arkwright, R.
Ashbury, J. L.
Ashton, R.
Astley, Sir J. D.
Baggallay, Sir R.
Bailey, Sir J. R.
Barrington, Viscount
Bates, E.
Bathurst, A. A.
Beach, rt. hn. Sir M. H.
Beach, W. W. B.
Bennett-Stanford, V. F.
Bentinck, G. C.
Beresford, Colonel M.
Birley, H.
Boord, T. W.

Bourke, hon. R.
Bourne, Colonel
Brise, Colonel R.
Broadley, W. H. H.
Buckley, Sir E.
Burrell, Sir P.
Buxton, Sir R. J.
Callender, W. R.
Cameron, D.
Campbell, C.
Cartwright, F.
Cave, rt. hon. S.
Cecil, Lord E. H. B. G.
Chaine, J.
Chaplin, H.
Chapman, J.
Charley, W. T.
Christie, W. L.
Clifton, T. H.
Clive, Col. hon. G. W.
Close, M. C.
Cobbett, J. M.
Coope, O. E.

Corbett, Colonel
Cordes, T.
Corry, hon. H. W. L.
Corry, J. P.
Cross, rt. hon. R. A.
Cunninghame, Sir W.
Dalkeith, Earl of
Dalrymple, C.
Davenport, W. B.
Denison, C. B.
Denison, W. E.
Dickson, Major A. G.
Disraeli, rt. hon. B.
Eaton, H. W.
Edmonstone, Adm. Sir
W.
Egerton, hon. A. F.
Egerton, hon. W.
Elliot, G.
Elphinstone, Sir J. D. H.
Emlyn, Viscount
Ewing, A. O.
Fielden, J.
Fellowes, E.
FitzGerald, rt. hn. Sir S.
Floyer, J.
Folkestone, Viscount
Fraser, Sir W. A.
Gardner, J. T. Agg-
Gardner, R. Richard-
son-
Garnier, J. C.
Gibson, E.
Goddard, A. L.
Goldney, G.
Gordon, W.
Gorst, J. E.
Grantham, W.
Greenall, G.
Greene, E.
Gregory, G. B.
Hall, A. W.
Halsey, T. F.
Hamilton, Lord C. J.
Hamilton, I. T.
Hamilton, Lord G.
Hamilton, Marq. of
Hamond, C. F.
Hanbury, R. W.
Hardcastle, E.
Hardy, rt. hon. G.
Hardy, J. S.
Harvey, Sir R. B.
Hay, rt. hn. Sir J. C. D.
Heath, R.
Hermon, E.
Hervey, Lord F.
Hogg, Sir J. M.
Holford, J. P. G.
Holker, Sir J.
Holland, Sir H. T.
Holmesdale, Viscount
Holt, J. M.
Home, Captain
Hood, Capt. hn. A. W.
A. N.
Hope, A. J. B. B.
Hunt, rt. hon. G. W.
Isaac, S.
Jenkinson, Sir G. S.
Johnson, J. G.
Johnstone, H.
Johnstone, Sir F.

Jolliffe, hon. S.
Kavanagh, A. MacM.
Kenealy, Dr.
Kennaway, Sir J. H.
Knight, F. W.
Knowles, T.
Lacon, Sir E. H. K.
Learmonth, A.
Legh, W. J.
Leigh, Lt.-Col. E.
Lennox, Lord H. G.
Leslie, J.
Lewis, C. E.
Lindsay, Col. R. L.
Lloyd, S.
Lloyd, T. E.
Lopes, Sir M.
Lowther, hon. W.
Lowther, J.
Macartney, J. W. E.
MacIver, D.
Mahon, Viscount
Majendie, L. A.
Makins, Colonel
Malcolm, J. W.
Manners, rt. hn. Lord J.
March, Earl of
Marten, A. G.
Mellor, T. W.
Mills, A.
Mills, Sir C. H.
Montgomerie, R.
Montgomery, Sir G. G.
Mowbray, rt. hn. J. R.
Mulholland, J.
Muncaster, Lord
Naghten, A. R.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Northcote, rt. hon. Sir
S. H.
Onslow, D.
Paget, R. H.
Palk, Sir L.
Pell, A.
Pelly, Sir H. C.
Pemberton, E. L.
Peploe, Major
Percy, Earl
Phipps, P.
Pim, Captain B.
Plunket, hon. D. R.
Plunkett, hon. R.
Polhill-Turner, Capt.
Powell, W.
Price, Captain
Puleston, J. H.
Raikes, H. C.
Read, C. S.
Rendlesham, Lord
Repton, G. W.
Ridley, M. W.
Ritchie, C. T.
Rodwell, B. B. H.
Round, J.
Ryder, G. R.
Salt, T.
Sanderson, T. K.
Sandon, Viscount
Scater-Booth, rt. hn. G.
Scott, M. D.
Scourfield, J. H.

<p>Selwin - Ibbetson, Sir H. J. Shirley, S. E. Sidebottom, T. H. Simonds, W. B. Smith, A. Smith, S. G. Smith, W. H. Smollett, P. B. Somerset, Lord H. R. C. Stanhope, hon. E. Stanhope, W. T. W. S. Stanley, hon. F. Starkey, L. R. Steere, L. Stewart, M. J. Storer, G. Sturt, H. G. Talbot, J. G. Tennant, R. Thynne, Lord H. F. Tollemache, W. F. Torr, J.</p>	<p>Trevor, Lord A. E. Hill- Turner, C. Turnor, E. Walsh, hon. A. Watney, J. Welby, W. E. Wellesley, Captain Wells, E. Wethered, T. O. Wheelhouse, W. S. J. Whitelaw, A. Wilmot, Sir H. Wilmot, Sir J. E. Wolff, Sir H. D. Wyndham, hon. P. Wynn, C. W. W. Yarmouth, Earl of Yorke, hon. E. Yorke, J. R.</p>
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TELLERS.

Dyke, W. H.
Winn, R.

Question proposed,

"That the words 'to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspector of Factories,' be added, instead thereof."

MR. DISRAELI expressed a hope that his hon. Friend (Mr. Pell) would allow his Amendment to be negatived, as there then would be a clear issue before the House.

MR. PELL said, he thought that if his Amendment were now negatived, the Resolution would stand in a very strange position. The better way, he thought, would be to allow his words to be added, and then to take a division on the whole Resolution as so amended.

SIR GEORGE JENKINSON expressed a hope that the hon. Member would allow the Amendment to be negatived.

MR. NEWDEGATE said, that the Motion, if carried, would inflict upon the country districts an inspection for which no reason had been made out. He trusted, therefore, that the hon. Member for Leicestershire would not press it to a division.

MR. W. EGERTON said, he hoped that the Motion would not be proceeded with. If it was pressed he should move, as an Amendment, that, considering the limited experience of the working of the Agricultural Children Act, it was undesirable to legislate further on the subject at the present time.

MR. WALSH moved the adjournment of the debate,

Motion made, and Question proposed.
"That the Debate be now adjourned."
—(Mr. Walsh.)

Question put, and negatived.

Question again proposed,

"That the words 'to withhold from the children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,' be added, instead thereof."

MR. W. EGERTON again rose to move his Amendment, but—

MR. SPEAKER said, that as he had already spoken, he must place the Amendment in some other Member's hands.

MR. W. E. FORSTER said, the Motion was merely to add words to a Resolution in order to enable it to be put, because at present the Question before the House was simply "That, in the opinion of this House, it is undesirable." He trusted, therefore, that the hon. Member would press his Motion, because it was simply intended to provide some machinery to put the Act in operation. He would remind the House that the Workshops Acts were not properly carried out until after the appointment of Government Inspectors.

MR. GATHORNE HARDY said, he thought the best thing that could be done was for the words to be added, so that there might be a substantive Motion before the House, and then that the Amendment of the hon. Member for Cheshire (Mr. W. Egerton) might be moved, so that the House might not be put in a false position. The Government were quite as anxious as hon. Gentlemen opposite that agricultural children should receive a good education; but what they said was, that an Act with reference to the subject had only been passed last year, after due consideration, and therefore it was not expedient to re-open the question so soon. They objected to being forced to deal with an Act in a way they disapproved of.

MR. SPEAKER said, that if the words proposed by the hon. Member for Leicestershire (Mr. Pell) were added to the original Question, no Amendment could be proposed except in the form of an addition to those words. Now would be the time to amend the Motion.

SIR GEORGE JENKINSON rose to move the Amendment which Mr. W. Egerton had suggested.

MR. SPEAKER said, that the sentence proposed was not an Amendment—it was a substitution. If the Amendment of the hon. Member for Leicestershire were negatived, it would be competent to the hon. Baronet to submit his Motion.

Question put.

The House divided:—Ayes 150; Noes 226: Majority 76.

Amendment proposed,

After the word “undesirable,” to add the words “considering the limited experience of the working of the Agricultural Children Act, to legislate further on that subject at the present time.”—(*Mr. Wilbraham Egerton.*)

Question proposed, “That those words be there added.”

MR. LOCKE complained that this was the first time they had heard of the Amendment. It would be very unbecoming of them to go to a vote on a question of which they knew nothing. He therefore thought the debate should be adjourned.

Motion made, and Question proposed, “That the Debate be now adjourned.”—(*Mr. Locke.*)

MR. W. E. FORSTER begged the House to consider to what it would be committing itself if it agreed to the Motion of the hon. Member opposite (*Mr. W. Egerton*). It would be to this—that whereas the Government were anxious to improve the present provisions for the education of children not in agricultural employment, those provisions being very much stronger than any which applied to agricultural children, nevertheless, the House pledge itself not to legislate further for the latter. He did not see how the Government could support this Amendment, seeing that they had asked that they might not be fettered as to their future conduct.

MR. J. G. TALBOT said, that having supported his hon. Friend (*Mr. Pell*) in the Amendment which had been negatived, he wished to explain his views on the subject. He was quite ready to vote for this proposal (*Mr. Egerton's*), as he did not want more legislation on the question, but merely wished the existing

Acts to be carried into effect. There was no necessity for an adjournment, because the matter had been fully discussed.

Question put.

The House divided:—Ayes 144; Noes 227: Majority 83.

Question again proposed, “That those words be there added.”

MR. MACGREGOR moved the adjournment of the House.

Motion made, and Question proposed “That this House do now adjourn.”—(*Mr. Macgregor.*)

MR. DISRAELI: The House has had such a quiet Session that I was unwilling to throw any difficulties in the way this evening, which has turned out to possess a character of a less tranquil kind. The hon. Member for Southwark (*Mr. Locke*), who first introduced these tactics to-night, and whose grave humour I always recognize on these occasions, has received considerable attention from us. We have divided on his Motion. With regard to the new Motion which is now made for the adjournment of the House, I am not disinclined towards that Motion. I think one of the best things the House could do at present would be to adjourn. The hon. Member for Hackney (*Mr. Fawcett*) has brought forward a question upon which the House has given a grave decision—a decision by a large majority. We have now got into this situation—that we are wasting our energies, and in no degree advancing any public policy. The business for which the House met to-night has been amply discussed and decidedly treated, and I do not think there is an hon. Member present who can ascribe to these frequent divisions that character of gravity which ought to belong to our proceedings. Therefore, Sir, I will not oppose this Motion.

MR. SULLIVAN objected to that Motion because, if carried, it would preclude the bringing on of a Motion that stood lower on the Paper, to which the Irish Members attached importance—namely, for the production of a document on which would depend the qualification of *Mr. John Mitchel*, and it was essential that that point should be decided, if possible, before the nomination at Tipperary on Thursday. He might be out-voted; but he would certainly

divide the House against the present Motion for its adjournment if they were to be prevented from moving for the Return to which he referred.

Question put.

The House divided:—Ayes 224; Noes 41: Majority 183.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 3rd March, 1875.

MINUTES.]—SELECT COMMITTEE—Loans to Foreign States, Mr. Kirkman Hodgson, Mr. Russell Gurney, Mr. Whitbread, Mr. William Shaw, and Sir Henry Holland, *added*.

PUBLIC BILLS — *Ordered — First Reading* — Local Government Board (Ireland) Provisional Orders Confirmation * [81]; Imprisonment for Debt * [80]; Metropolis Gas Companies * [82].

Second Reading—Universities (Scotland) (Degrees to Women) [6], *put off*.

Committee—Public Worship Facilities [22], *debate adjourned*.

Committee—Report—Police Magistrates (Salaries) * [75].

Third Reading—Land Drainage Provisional Order * [66], and *passed*.

UNIVERSITIES (SCOTLAND) (DEGREES TO WOMEN) BILL.—[BILL 6.]

(*Mr. Cowper-Temple, Mr. Russell Gurney, Mr. Orr Ewing, Dr. Cameron.*)

SECOND READING.

Order for Second Reading read.

MR. COWPER-TEMPLE, in moving that the Bill be now read a second time, said, that it would remove from the four Universities a restriction imposed on their discretion by an unexpected construction of the law. It would take away the illegality that had been stamped upon a course taken by all the authorities of Edinburgh University at the suggestion of the medical faculty. The Scotch Universities Act gave a power to the University Court, with the consent of the Chancellor, after communicating with the Senatus, and the University Council, to make internal arrangements for the improvement of these institutions, and it was in the belief that those internal arrangements thus authorized included such a subject as the extension of the examinations and degrees to

women, that the authorities of the University of Edinburgh made regulations for that purpose. Those regulations were deliberately considered, and received the sanction of the high legal authorities connected with the University of Edinburgh. The present Lord Advocate was the person who made the Motion in the University Court that led to the regulations, and he therefore gave the weight of his legal authority to these regulations. The Lord Rector of the day was Lord Moncreiff, and the Chancellor of the University was the highest legal dignity on the Scotch Bench, and they both sanctioned these regulations. Therefore, it was with the full weight and consideration of legal authority that it was assumed that one of the Scotch Universities had the power, under the existing law, to admit female students to the benefits of University training and education. After two years, however, those in the University who did not approve of these regulations raised doubts as to the legality of conferring degrees. The question was raised by an action in the Courts of Law in Scotland, before the Lord Ordinary, and the decision was substantially in favour of what had been done by the University authorities. But, on an appeal to the Court of Session, the Judgment of the Lord Ordinary was reversed, and the regulations were declared to have been *ultra vires*, and it was stated that, if such a power be desirable, it must be obtained either from the Crown or from the Legislature, thus pointing to such a remedy as the one which he now proposed—namely, an amendment of the Universities Act to declare that it was, and ought to be, in the power of the authorities of the Universities, if they should think fit, according to their discretion—with which the Bill did not purpose to interfere—to extend the benefits of the Universities beyond the male students to female students. The object of the Bill, therefore, was to remove the badge of illegality and invalidity which had been stamped upon the proceedings of the University by the decision of the Court of Session. In the Preamble it was recited that—“Whereas doubts have arisen”—and, surely, he was justified in saying that the state of the law was doubtful, when they saw ranged on the one side the highest legal authorities, who believed

Mr. Sullivan

that the Scotch University Act gave this power to the Universities, and when on the other they found that decision reversed on appeal by a majority of 7 Judges against 5, and in the minority were found the names of the Judges of highest position, of greatest experience, and of the most recognized ability. The judgment of the Court of Session was not final, and might have been reversed by an appeal to the House of Lords; but the parties who felt aggrieved were not wealthy, and could hardly be expected to incur the expense of a third suit, and they might fairly hope that their object would be attained in the manner suggested by the Court, and without resorting to further legal proceedings. There were reasons to suppose that the Judgment of the Court had not placed the question beyond the region of doubt. But, at all events, whether the doubts referred to in the Preamble were well founded or not, still the enacting part of the Bill ought to take effect, which declared that henceforth the authorities of the Scotch Universities might, if they thought fit, extend the benefits of the education given in these institutions to female students. He did not propose to interfere in any way with the discretion or the constitution of the authorities of these institutions in this matter. Some might think that the University Court was not the best body to exercise such a discretion as that; but then the Act of Parliament that created the University Court had already committed to it the responsibility of making internal improvements subject to the veto of the Chancellor, and to communication with the Senatus and the Council. If the University Court was qualified for its other duties, it was fit for this discretion, and there was no ground for assuming that its members would decline to pay any attention to the opinions and arguments of the other bodies in the University whom the law compelled them to consult, and would disregard any deliberate and well-considered Judgment of the Senatus and Council; and the Court was subject to the assent of the Chancellor. The Bill was really only an enabling measure, which would in no way interfere with that which was the proper business of the University—namely, the management of its own affairs. All he proposed to do was to

remove from the Universities the bar which the decision of a Court of Law had put against their doing that which one University had thought right to do. It might be said, if this was merely an enabling Bill, and did not interfere with the discretion of the Universities, why should they have Petitions sent up from the Universities of Edinburgh and Glasgow against the Bill. He thought that those who had sent up Petitions against the Bill were occupied less with the particular provisions of this Bill than with the general question of female education. Indeed, the question of extending the benefits of the Universities to female students was one which had been strongly debated, and which gave rise to great division of opinion in the University of Edinburgh. In that University, as in the Universities of Cambridge and London, there were many Professors of large sympathies and extended views who were quite prepared to take their share in that great movement, which had originated in England, of extending the benefits of University education, by means of the Oxford and Cambridge Local Examinations, to persons of both sexes. The Universities were accepting the great mission of satisfying the hunger after higher education amongst all classes and both sexes. Edinburgh had instituted local examinations similar to those set on foot by Oxford and Cambridge, and those examinations had done an immense deal of good, as hon. Members must know, in stimulating the middle-class schools, and encouraging both teachers and scholars to advance towards a higher education. These examinations had been as successfully applied to girls' schools as to boys' schools. At the present moment, the lectures which were delivered by Professors of Cambridge and Oxford in the large towns of the North of England were producing great effects in stimulating the artizan class in the acquirement of knowledge. Professors of Edinburgh University were instructing the members of the Ladies Educational Association in literature, philosophy, and science, with most successful results. Twenty-seven Professors in Scotch Universities had petitioned in favour of the Bill. Nine eminent Professors who lectured in the School of Medicine had urged the House in their Petition to place University education

within the reach of women. There was evidence that in the University of Edinburgh a desire existed among the more enlightened, active, and energetic of the Professors to extend the benefits of University teaching according to circumstances to female students. The Petition of the Senatus was adopted by a majority of medical Professors, the majority of the non-medical men being in favour of University education for women. It was therefore impossible to disguise from oneself that the opposition to the Bill mainly arose from the medical Professors—he did not mean from all of them, but from the majority of their number. To show that the opposition did not proceed from all, he might remark that there was a Petition on the Table of the House, in favour of the Bill, from the extra-mural lecturers on medical science, who had been in the habit of teaching female students, and who stated that they found an aptitude, a patience, a perseverance, and an intellectual power in the female students quite equal to those of their male students, and that they had every reason to be satisfied with the conduct of those students. The opposition to be encountered was not against the admission of women to a higher intellectual culture, but to their admission into medical practice; and this opposition came from the medical profession. Amongst the pleas of objection was a warning against the association of the sexes in the same classes. But there was no prospect of the two sexes being taught together in the classes of anatomy and surgery. The regulations that were framed by the University of Edinburgh did not sanction any mixed classes, but made provision for separate classes; and he thought the House might entirely dismiss the probability, or even the possibility, of any such mixture. The combination would only take place at the examinations, and he could hardly conceive that any mischief would arise from female students competing by examination for degrees, any more than at present arose from their competing for certificates of honour. Objections were urged against the capacity and competence of women for the medical art. Let that objection be tested by experience. But it was already disproved. The four ladies who were practising in London and provin-

cial towns had plenty of patients, and cured as high a proportion as other practitioners. But the prevailing objection that influenced the majority of the medical profession who objected to women receiving medical degrees arose from a dread of competition. No profession liked an increase of competition; yet he could not think that there was any ground for supposing that this competition was likely to be of a formidable character, because there was ample room for the admission of female medical practitioners without interfering in any important degree with the male practitioners. There were large spheres of action on which female practitioners might enter which at present were not occupied. There were numberless cases of young women who shrunk from applying for advice at the commencement of a disorder or in small ailments, who yet would at once have recourse to a competent practitioner of their own sex if they were allowed to do so. Again, there were large openings for female practitioners in India. There were in India millions of native ladies shut up in the zenanas, who, however ill they might be, were not willing to receive any help from male practitioners. Here was a sphere which was now opening to female doctors. The zenanas of the Upper Provinces of India were shut against the assistance of medical men. A physician in India had written to say that from his own personal experience he knew the sickness and suffering within these zenanas to be immense, and that had he a hundred medical ladies out there, he could find plenty of occupation for them. The Native gentlemen would gladly avail themselves of European skill for their wives and daughters through female doctors. A number of American medical ladies connected with missions had arrived, and had more practice than they could manage. English women would go; and it surely must be undesirable that ladies should go out there without any official and authoritative stamp as to whether they had got the knowledge and experience requisite to make them competent medical practitioners? Did they not by their present system bring discredit upon English science, by declining to give to the Natives of India that security which they might fairly expect in the case of

Mr. Cowper-Temple

women going from England to practise there as doctors? Some people were incredulous of the power of women to make use of the advantages which the Universities offered, and of their capacity to successfully apply themselves to scientific studies. If, at present, there was a deficiency of mental power and capacity among women, as compared with men, it arose to a great extent from the deficiencies of their education. The weaker the minds, the more they required to be strengthened by careful and appropriate training. Though nature had established fundamental differences, it had prepared for each sex a line in which it was fitted to excel. The experience of Girton College, and of Merton College, Cambridge, proved that women could pass examinations equally with men, when equally taught. Of this he felt convinced—that women would continue to practise medicine, and it was unwise to compel them to go abroad to get that teaching and those degrees which we refused to grant them at home. Why should we send them to Paris? At the present moment there were six English young women studying in Paris, and in course of time they would obtain their degrees. In other countries of Europe, Universities were open to both sexes. Even Russia, the youngest in civilization, was in advance of us in this respect. In that country there were special schools of medicine for preparing young women to go to those countries where there was a large Mahometan population, to whom their services were as acceptable as those of English women would be in India. It was a harsh and cruel thing that when these young women had duly qualified themselves as practitioners, our law should be so arranged as to make it impossible for them to obtain legal recognition of the proficiency they had been encouraged by legal authority to attain. He would not enter into the question of the difficulties that might arise in the Universities if they chose to exercise the power which the Bill would give them. That was a matter left by the law to the discretion of those bodies; but he was quite sure that they were not of such a formidable character that they might not be overcome. If the present lecturers were not able to give a second lecture to women, nothing was more easy

than to have supplementary teachers. The feeling of Edinburgh had declared itself so strongly in favour of extending the benefits of University education to women, that money had been amply contributed for every purpose for which it had hitherto been required; the Town Council had petitioned in their favour; and he thought the ground upon which he might fairly ask the House to give a second reading to this Bill was, that it was desirable to remove from the Universities of Scotland the disability under which they at present laboured. The Scottish Universities were the only ones where regulations were made under an Act of Parliament, for the English Universities were governed by charters; therefore, it had become necessary to ask the assistance of Parliament for an extension of power; and if granted in the shape of the Bill, it would give to the Universities the power of increasing the scope of their action and their usefulness, and of extending the dissemination of knowledge and of culture of the highest order to both sexes, according to the circumstances under which they desired to attend these institutions. The Universities would thus be made stronger and better adapted to meet the wants of the day. A desire was now prevailing for the improvement of female education, an object which many people in Scotland most ardently desired to accomplish. By opening the door for competent women to become medical practitioners—an honourable profession for which nature had fitted them—they would remove an obstacle at present in the path of many young women who were anxious to earn their own livelihood, and who did not desire any longer to burden their families. It would occupy other young women who, although not absolutely obliged to take up a profession, yet were anxious to rise out of a life of uselessness and frivolity to one of practical work in curing disease. 16,000 women last Session had petitioned Parliament to allow them to be treated medically by their own sex. Surely that was a want to which some attention might be paid. He thought they, who were elected by only one sex, were more bound than they would otherwise be to pay attention to the wishes and wants of the other sex, in regard to a

matter of a social and domestic character, not one touching politics, but affecting the comfort, the health, and the welfare of that sex in the community. He conceived that, whether they looked at the case of the Universities, whether they looked at the case of young women, or at the large class of women desirous of having medical practitioners of their own sex, there was every reason why they should more widely open the portals of the Northern Universities, and restore to them the freedom they had been supposed to possess, of educating any of Her Majesty's subjects. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cowper-Temple*.)

Mr. MAITLAND, in rising to move, as an Amendment, that the Bill be read a second time that day six months, said, it was with the greatest pain that he felt it to be his duty to put upon the Paper that Amendment. It was painful to him because he yielded to no man in the House or the country in a sincere desire for the improvement of the higher education of women; but while he most decidedly thought the House ought to do all they possibly could to that end, he altogether objected to the Bill. He had no doubt it had been introduced with the very best intentions; but he thought he should be able, before he sat down, to show the House that it had been framed by persons altogether unfamiliar with Scottish Universities. That was the sole objection he had to the Bill. He was not one of those persons who thought that women ought not to have degrees in the medical, or in any other faculty; but his objection was this—that if the Bill passed, the Scotch Universities would become subject to a constant and perpetual popular agitation. The first point to which he wished to draw the attention of the House was the Preamble, and he ventured to say that a more extraordinary statement than was to be found in it had never been made. The Preamble stated, for instance, "that doubts had arisen as to powers of the Universities of Scotland to admit women," and then it added that it was expedient those "doubts" should be removed. If the right hon. Gentleman the Mem-

ber for South Hants (*Mr. Cowper-Temple*) thought there were any doubts on the question existing at present, he could assure him that he was totally misinformed. In admitting lady students it had been decided that the University Courts had acted in *ultra vires*, and gone beyond their power. It was true certain ladies were admitted to one of the Scotch Universities, and admitted by the University Court. The matter was taken into the Law Courts of Scotland, and the decision of the full Bench of Judges went against the right hon. Gentleman and his friends. They acquiesced in the decision; they did not, as they might have done, carry the matter to a higher Court, but instead they now came to Parliament to ask for legislation. He had no objection in the world to that; but he had every objection to their stating that there were doubts as to the power of the Universities to admit women. He must therefore argue the question on the basis of there being no doubts whatever as to the present legal position of the Universities in reference to the admission of women. Women were now, and always had been, excluded altogether from the Universities. He was the last man in the House to say that he was not willing to hear arguments on the subject; for, on the contrary, he was exceedingly anxious to hear arguments. He objected to the Bill because it was permissive, and because it asked Parliament to hand over its powers to a body called the University Court, about which they knew nothing. Upon that body would devolve the duty of making arrangements for the admission of women, and in reference to the point, he must be allowed to make this remark—that of great social questions like that, a question affecting the higher education of women, and one which was subject to constant agitation, not in Scotch and English Universities alone, but throughout the whole country—Parliament alone were the proper judges. Again, Parliament was the only recognized authority as judges of great financial changes. If the Bill became law, Parliament would be in this position. They would hand over authority to the University Courts to admit to the Universities, which could not be done without a great amount of expense. For the purpose new classes would have to

Mr. Cowper-Temple

be formed, and for them separate buildings and an extra teaching staff would be required; but as the University Courts had no power to tax the rate-payers they would be obliged to come to Parliament and say—"You must pay £100,000 or £200,000." He must admit that if it had been a proposal in regard to the University of Oxford, of which he was a member, he should have objected to handing over to the Governing Body of the University, powers which were entirely Parliamentary; but he would have felt that, to a certain extent, the Council of the University of Oxford was a real *bond fide* representation of the University, for it consisted of some 30 or 40 persons, who were elected by the resident graduates, consisting of 200 or 300 in number, all of whom took an interest in the proceedings of their University. But that was not the case with the University Courts in Scotland. Those Courts in Scotland consisted in one University of members, and in no University more than eight. The English Members would, he had no doubt, suppose that those persons were elected, because they had been Professors or at least graduates of the University, and knew something about it. Nothing could be further from the case. The Rector of most of the Universities had three votes, and virtually the control of the Court was in his hands. He must call the attention of the House to the election of the Rector. The Rector was generally a man of letters or a great statesman; no doubt, always a gentleman of great eminence, but not, in the least degree, a man of whom there was any security of the possession of practical common-sense. One of the Universities, St. Andrews, for instance, had elected Mr. John Stuart Mill, an eminent man, but that he was a person to be trusted with the absolute management of a University was a proposition that neither he, nor, he thought, the House would approve of. Then, again, Mr. Carlyle had been elected a Rector. He was the most eminent living man of letters in this country; and he was probably elected because the students wanted to see so eminent a man, and to hear him make a speech. Mr. Ruskin was another eminent man whom the students had elected Rector, and he was probably the greatest art critic in the world; but as to his practi-

cal sagacity and common-sense—that was the last thing the students were thinking about. All the men that he had mentioned were Englishmen or Scotchmen, but he would give an instance of a gentleman who, though not elected, had a very close contest with no less a person than the Prime Minister. That gentleman was not an Englishman, but an American. That gentleman was Mr. Emerson, an eminent writer and philosopher, but a person regarding whose sagacity and fitness for deciding the questions that would be referred to him under the Bill, they really knew nothing, and the students less. He might be told that he was taking a very decided line in that matter, but he must call the attention of the House to the composition of the University Court. In the University of Edinburgh there were eight members of the Court. The Lord Rector had three votes—two votes counting his own vote and that of his assessor, and a casting vote—and two other members were the Lord Provost of Edinburgh and the Assessor of the Town Council. He ventured to say that no University could possibly think that the Lord Provost of Edinburgh and the delegate of the Town Council were, in any sense, to be considered University authorities. He considered them municipal authorities, and it seemed to him a most extraordinary thing such gentlemen should have such power over the Universities. The House would then see that the officers he had mentioned had altogether five votes in a Court of eight members, and had, therefore, complete control over the University Court. The majority of the Court, to his mind, consisted of outsiders. Perhaps the right hon. Gentleman would be surprised to hear that not only were the public not admitted to their sittings, but no reporters for the newspapers were allowed to be present. They might issue a decree one day and cancel it the next, and all that the country would know was that the decrees had been issued. But the duties of those Courts under 21 & 22 *Vict.* c. 83, were set forth in the Act, and they were of a merely subordinate character. They could rusticate and expel students, or enforce discipline, but in no way did the statute appear to contemplate granting them a power to regulate the University. Their powers were either disciplinary or administrative. Again, if the Rector might

have complete control over the University, Parliament would be handing over to him, if the Bill passed, the settlement of the question. Who, then, elected the Lord Rector? Not those who had taken their degrees, but young men who were at the time at the University—young men, to his certain knowledge, varying in age from 14 to, perhaps, 21, *in statu pupillari*. Those young lads, in their choice of a Rector, were generally influenced by political considerations, and they decided, for instance, whether the right hon. Gentleman the Member for Buckinghamshire, or the right hon. Gentleman the Member for Greenwich, was the better. It was a monstrous proposition to think that those young lads should decide as to the control and management of the Universities, and he thought they would be better occupied in learning grammar than in discussing and taking part in what really was a high legislative function. Therefore, he did not think the University Courts were fit to decide the question which they would be asked to decide if the Bill passed into law; and, further, if they were to arrive at a decision, they would not give, if he might use the expression, anything like a fixed tenure to the women whom they admitted. But if the Bill passed, what would be the result? Why, if the Courts decided to admit ladies, the latter might find they were refused admission the following week. He proposed his Amendment with regret; but the provisions of the Bill introduced ran contrary in every respect to his ideas of what University life and University management ought to be, and he trusted the House would support it.

SIR WINDHAM ANSTRUTHER seconded the Amendment. It had already been decided by the Courts of Law in Scotland that women could not be permitted to matriculate or to graduate in the Universities of that country, and the very fact that the supporters of that policy now asked for special legislation in their favour was an admission that they had no case. He thought it a very good general rule to judge of the position of men, however honourable, rather by what they did than by what they said. A question of doubt had been raised, and he wished to recapitulate the fact of the matter. In the year 1869, a woman applied to be allowed, as an experiment, to

study in the University of Edinburgh. She stated that if there was any difficulty experienced during the course of her medical education she would at once withdraw. The *Senatus Academicus* received her application favourably, but the University Court decided that it was not advisable for the sake of one woman to attempt to make the necessary arrangements. A short time afterwards the lady renewed her application in company with two other ladies, and the *Senatus* and Court of the University, on the express understanding that all that was required was a permission to begin, in order to see what would come of admitting women to the medical education afforded by the University, passed some purely permissive and tentative regulations allowing Professors to teach women medicine, provided they did so in separate classes. The University Court held that the women attending such classes must be under the same rules as the male students, and called upon them to pay the matriculation fee. As there was some misunderstanding as to what "matriculation" meant, and as considerable capital had been made out of that at the expense of the University, perhaps he might be allowed to state what "matriculation" was in the Scotch Universities. It was different from matriculation in English Universities. It consisted in the payment of a fee of a guinea, which entitled the student to attend the lectures of the Professors for one year, and the use of the University library. The student also received a ticket, declaring him a *civis* of the University. At the end of the year he must matriculate again, pay the fee of a guinea, continuing it for every year he remained at the University, and if he pleased he might remain at the University for the whole term of his natural life. Nothing was conceded to the ladies except the privilege of attending the lectures of Professors, who thought fit to teach them in separate classes, and the question of graduation was expressly reserved. The ladies knew very well when they commenced their studies that they could not proceed to graduation. After staying at the University for the period of two years, they applied to the University Court to make certain special and exceptional arrangements by which they might be permitted to take degrees. The University Court then did what it

Mr. Mailland

ought to have done long before, and what it would have done if the Court could have supposed that the women would have departed from the understanding on which they were admitted to the University—it consulted counsel whether they were legally entitled to do so. Counsel's opinion was adverse to the ladies, who then proceeded to law, and after much litigation the question, so far as the Scotch Courts were concerned, was decided against them. The charters of the Universities of Glasgow, Aberdeen, and St. Andrew's, distinctly showed that the admission of women to these seats of learning was never contemplated. It was thus apparent that the women were admitted by favour and by a mistake—by favour in a pardonable anxiety on the part of the University to meet their request, and by mistake because the University Court exceeded its powers. On what was granted to the ladies as a favour, they laid the foundation on which to claim a right. That right was tested and found untenable, and now Parliament was asked, under a pretext of alleged doubt, to positively legislate, and that adversely to the decision of the highest Court of Law in Scotland. Seeing that the ladies were very well supported by enthusiastic members of the sterner sex, he could not help saying that he thought it would show more respect to Parliament, if the decision of the House of Lords had been taken before their supporters had flaunted this theory of doubt before the House. If the question of the higher education of women pressed for legislation on its merits, in that capacity let it be brought before the House, and he was sure every hon. Member of the House would give it the fullest and the fairest consideration; but he objected to make a great national change in the system of teaching in the Universities—a change that would surely affect the great medical schools of Edinburgh and Glasgow—under a mistaken pretext and by a side-wind. It was said the Bill was a permissive Bill. That was true; but if it became law, instead of removing doubts it would create doubts. The Bill made no provision for female education, even if the University authorities were prepared to avail themselves of the permissive powers granted by the Bill. The demand of women would entail a double staff of Professors, and, as far as Edinburgh

was concerned, he believed a hospital would be required to be constructed. The cost of all that would be very great, and he thought it would be far better if the ladies and their friends would establish a female medical college or University in some of the larger towns, where the hospital field was not already occupied by a medical school. The remedy which the women sought was altogether disproportionate to the grievance they complained of. That grievance was not want of instruction. They could get that, on their own showing, on the Continent, or by extra-academical teaching at home; but what they could not get was the status of being recognized medical practitioners under the Medical Act of 1858. By Schedule A of the Act only those who were qualified, and attained the qualification mentioned in the Schedule, could be put on the register. But, surely, that was no reason why they should subvert the constitution of the Scotch Universities. The Legislature could supply a remedy far short of this. Any one, or more of the Medical Corporations mentioned in the Schedule, might be compelled to give licences to women if found qualified after examination; and by such simple means the grievance would, at once, be removed.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Maitland.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

Dr. CAMERON rose to support the second reading of the Bill. It seemed to him that the arguments which had been brought against it by the two hon. Members who had last spoken were, if properly considered, rather arguments in its favour. The hon. Member for Kirkcudbright (*Mr. Maitland*) had laid great stress on the composition of the University Court, and had told them that if the powers proposed to be entrusted to it were given, it would be practically placing those powers in the hands of one man, it might be unconnected with the University, and that man the Lord Rector. Now, the fact was that the Lord Rector rarely interfered with the conduct of business of the University. The very case the hon. Member adduced in support of his argument proved that fact. When he showed

that Mr. Emerson was brought forward as a candidate for the Lord Rectorship of Glasgow University, he knew that Mr. Emerson could never have undertaken the duties, and never could have outvoted the rest of the Council. The present Lord Rectors of the Scottish Universities were Lord Derby, the right hon. Gentleman the Prime Minister, Dean Stanley, and Professor Huxley. And when the regulations were passed admitting lady students the Lord Rector of Edinburgh University was Lord Moncreiff, and one of the members of the court was the Lord Advocate. Certainly none of them were remarkable for that want of common-sense which the hon. Member appeared inclined to attribute to the average Lord Rector of a Scottish University. The arguments as to the composition of the University Court which had been directed against the Bill were really arguments against the Scottish Universities Act, which it was intended to amend. It seemed to him that the hon. Member had made far too much of the revolutions likely to be effected in Scottish Universities by the Bill now under consideration. All it intended to do was to place the Universities in the position which they occupied before the adverse decision which had been referred to. It was imperative that the law should be declared, and in a sense on which the opinion of the House could be definitely taken upon it. The argument of the hon. Member for South Lanarkshire (Sir Windham Anstruther) was upset by the fact that the adverse decision in the case of these female students against the University authorities was given on the ground that the regulations to admit female students into the Universities were *ab initio, ultra vires*. Had this not been so, there was not the smallest doubt the Court of Session would have required the University of Edinburgh to provide such facilities for female students as were necessary to enable them to become undergraduates. They were told the Bill proposed to make a *corpus vile* of the Scotch Universities, in order to extend the system of female education. The answer to that was, that one of the Universities had chosen to make a *corpus vile* of itself, and another was extremely anxious to do so. When Edinburgh University opened its gates to female students, however, it certainly did not

think that it was doing anything to be ashamed of. On the contrary, it boasted loudly of its superiority to vulgar prejudices. In fact, its conduct then, and since, was exactly described by the satirist.

"Like to a dog which lighteth on a bone,
His tail he waggeth, and his joy makes known;
But if the bone on to his tail you tie,
He then is frightened and away doth fly."

The University, however, had found that it was an easier matter to enter into a contract of this sort, than to get rid of it; and it was not until after this system of female education had been carried on for two years that the *ultra vires* was thought of. Having been discovered, it was important that the defect should be remedied. If Edinburgh would not avail itself of its powers, St. Andrews would. If Edinburgh would not get rid of the injustice and hardship inflicted on these ladies, another University would. Another argument which had been brought against the Bill was that the Scotch Universities were very poor, and that the admission of female students would add a great deal to their expense. But it was one of the most noteworthy features in connection with the history of the student-life of these ladies that they had never gone to the University authorities hat in hand. They had always been prepared to pay whatever expenses might be necessary. Even in regard to the expense of additional class-rooms, the hon. Member for Edinburgh (Mr. M'Laren) last year mentioned that when it was said, as an objection to their admission, that additional class-rooms would be required, a subscription was entered into, and £65,000 was raised to supply the necessary accommodation. There was no need, therefore, to anticipate any of those unconstitutional forms of taxation which had been referred to by the hon. Member for Kirkcudbright. Another argument used last year against the measure was, that Professors would not be able to bear the strain of the extra teaching; but in Edinburgh many of the Professors found time to give separate instruction to ladies, and in Glasgow some of the Professors had to teach in more than one branch of science—the Professor of Natural History being also Professor of Geology, and the Professor of Moral Philosophy teaching also Political Economy, and yet they found time to pursue researches, and to give ex-

Dr. Cameron

tra-academical lectures to ladies besides. A system which could not be carried out without quite as much labour as would, if properly directed, afford female students all the instruction necessary to enable them to graduate. However, it was not proposed that any compulsion should be exercised. They were told that if the Bill became law, there would be nothing to prevent the admission of women at one time and their exclusion at another, but all matriculated students would be entitled to enforce the completion of the contract for graduation; and, subject to that, it was a merit of the measure that the authorities would have the opportunity of re-considering any decision they might come to on the subject. He should certainly vote for the second reading of the Bill.

MR. FORSYTH said, that when this question came before the House last Session, in the form of a Motion which could lead to no practical result, he took no part in the discussion. On the present occasion, it had taken the form of a Bill, the second reading of which he should unhesitatingly support. The necessity for legislation on the subject arose in consequence of the judicial construction which had been put upon a certain section of the Scotch Universities Act. In consequence of that decision, Parliament was now asked, not to compel the Universities to admit women to degrees, but to enable the Universities to so admit them, if they thought fit, under certain regulations. What could be fairer than that proposal? The hon. Gentleman who moved the rejection of the Bill (Mr. Maitland) spoke in contemptuous terms of the University Court, and had described the Lord Rectors as men without common-sense.

MR. MAITLAND explained that what he had said was that Lord Rectors were not elected for their common-sense, or their practical acquaintance with the affairs of the Universities.

MR. FORSYTH said, that the hon. Gentleman had referred to Mr. John Stuart Mill and Mr. Ruskin as not distinguished for their common-sense. The Universities of Scotland Act provided that the University Courts should make improvements, provided they obtained the consent of the Council and the Chancellor. Therefore, the whole Governing Body of the Universities had to give

their assent before any steps could be taken. What was the interpretation that had been put upon the Act by the Courts of Scotland? In 1869, five ladies entered a University in Scotland. They went through their examinations, and had every reason to believe that they would be admitted to take their degrees. But some time afterwards "a change came o'er the spirit of their dream," for a resolution was come to which practically stopped them from taking their degrees. An appeal was made to a Court of Law which supported the views of the University authorities. The ladies felt, however, that it was a great hardship that they should be prevented from taking a degree by an accidental barrier arising out of the construction of an Act of Parliament. Aberdeen and St. Andrews might be in favour of the admission of women. Edinburgh and Glasgow might be opposed to it. Was it not a hard thing that those Universities which were willing to make arrangements should be debarred from doing so, simply because Edinburgh and Glasgow objected? It was perfectly well known that arrangements could be made for separate classes, especially in the medical department, so as not to mix young men and women together. In the opinion of the lecturers of the University of Edinburgh, there was no reason, in justice or expediency, why women should be refused to practise medicine, especially among their own sex. [MR. LYON PLAYFAIR: Not the University.] It was the lecturers in the School of Medicine in Edinburgh. There was the Petition of 27 Professors of the University—including among them Professors of Rhetoric, Moral Philosophy, Public Law, History, and Mathematics—which said there was a general and growing opinion throughout the community that women who desired to have scientific education ought to have the way open to them, and ought to be encouraged rather than discouraged in their honourable pursuit. He might rest his case in favour of the measure on the fact that this was an enabling Bill, and not a compulsory one. It left things as they were, and merely took away an artificial barrier. If the authorities of the Universities did not wish to admit ladies, they need not do so; but the Bill gave the authorities power to admit them if they thought fit.

Although the Bill, if passed, would open the University examinations generally to female students, permitting them to take all degrees—and he was quite prepared to go that length—he believed they would confine themselves almost exclusively to the study of medicine, and the only arguments that could be maintained against their being allowed to do so must be based either on their intellectual unfitness, or disability on the score of sex. With reference to the first argument, he would only say it reminded him of the argument of the sophist that there was no such thing as motion, and his challenge to the philosopher to prove it. The answer of the philosopher was *solvitur ambulando*. They had only to look to the Continent of Europe to find that in most European countries—notably in Italy, France, Switzerland, Saxony, Sweden, and Russia—women were admitted to the practice of the medical profession, and many of them had attained to great eminence. Similar instances—few, unhappily, in number—were to be found in this country; but he did not think Englishwomen were so far behind the women of the Continent that they could not practise with equal ability? Take the case of Mrs. Garret Anderson and Miss Blackwell, whose names had been put on the register, and who had a large and extensive practice. It was surely a narrow and bigoted view to take of any question like the present that England and Scotland should refrain from taking a forward movement, until they had received an example and an impetus from foreign countries. In reference to the argument of sex, he said that women constituted the majority of the population, and that in many diseases they shrank from the attendance of a male doctor. In that view, who were more fitting attendants on women than women themselves, if they were properly qualified? The object of the Bill was to enable them to get the best education the Universities could supply with regard to medicine to enable them to practise. If they were fitted intellectually, and not unfitted by sex, what reason could be urged why they should not practise? We lived in times when it was very often most difficult even for an educated man to obtain a livelihood. Nothing could be more painful than to see that when a place,

with a very small salary, the duties of which a man of education could perform, was advertised, an immense number applied for that place. But if the competition was intense with regard to posts that men could fill, what was it with regard to women? They formed, as he had said, a majority of the whole population. What were the careers open to women of education? He was not talking of women employed in shops or in factories. He was talking of women of education, who had faculties which God had given them, and which might be employed in a useful and honourable career. We all knew what miserable salaries were paid generally to governesses and schoolmistresses. It might be said that authorship was open to women of education, but a man or a woman that was not a successful writer could not live by authorship. One of the greatest writers of modern times (Sir Walter Scott) said—“Never regard authorship as a crutch, but only as a staff to lean your hand upon.” If women of education could earn a livelihood in an honourable and useful career, he thought it was a cruel injustice that that career should not be open to them. For those reasons he would vote most assuredly for the second reading of the Bill.

MR. BERESFORD HOPE said, he would not have risen at that point of the debate if it had still continued in the hands of Representatives of that part of the Kingdom with which the Bill substantially dealt; but the hon. Member who represented him (Mr. Forsyth), and who was also at the same time one of his (Mr. Beresford Hope's) constituents, had transferred the question to a larger ground, and he had now a right to say a few words on it. His objection to the shape of the Bill this year was an objection which he ventured to bring before the House last year. It was this—that the persons who were engaged in a crusade about a great question had taken advantage of a small issue upon an alleged local grievance to introduce a much wider subject. Why had his right hon. Friend entered into a local squabble? What did his right hon. Friend care particularly about Scotland? Scotland was a very active, intellectual, money-making, and picturesque, not to say patriotic, portion of the United Kingdom; but yet it was hardly fair,

Mr. Forsyth

under the pretext of a Scotch grievance, that an attempt should be made to snatch a precedent from Parliament on a matter in which the whole of the United Kingdom was concerned. If that were not the case, why should his right hon. Friend rush from the Solent to the Forth? It was really an instalment of the question of women's grievances. His right hon. Friend could hardly conceal from the House, could hardly conceal from himself, that in fighting the battle of these young ladies of Edinburgh he was fighting the battle of a great many other ladies—young, old, and middle-aged—all over the United Kingdom. The question was, the graduation of these ladies in a medical degree, but his right hon. Friend could not conceal from himself, neither could the hon. and learned Member for Marylebone (Mr. Forsyth), that the question really was, whether women should graduate in every branch of art and science, and follow any profession. The grievance was not only that ladies had not been able to practise as doctors of medicine. It was equally a grievance that they should not be barristers or attorneys-at-law, and he supposed his right hon. Friend would quite as logically complain that they could not be able to deliver an occasional sermon in Westminster Abbey. What were the arguments employed by the supporters of the Bill? A certain number of women had been disappointed in their hopes of obtaining a medical degree in Edinburgh, and now it was proposed that the Universities in Scotland should not be allowed to make their own terms with these women, but that these women should make their own terms with the Universities, and come in on the basis of an alleged claim. The claim was that as to all professions, all means of livelihood, women should be put on an absolute equality with men; but what he (Mr. Beresford Hope) contended, was not that the career of women was not identical with, but parallel with that of the men. A pamphlet which had been sent from Edinburgh University, which, no doubt, hon. Members had read, appeared to him conclusively to dispose of the grievances which women were alleged to have endured there or elsewhere. The medical profession, which had originally been practised generally as the healing art, had now become divided into nu-

merous special branches, and had ramified among us in a remarkable manner. In old times there was simply the healing man, who was both surgeon and physician. But now one physician might be consulted on one branch of disease, and another man on another branch of disease. Why should not the ambition of those women who desired to do good to their fellow creatures in some branch of this healing art develop their unrivalled speciality in the art of nursing? The duty of prescribing and dictating the course of treatment had, by instinct and common sense, fallen to the share of the men. The carrying out of their orders, the watching and tending of a patient, were admirably suited to the gentle patient temperament of the female sex. Let them follow the example of Florence Nightingale and Mary Stanley, women whose names were household words in the history of the art of healing. Was it not better to be a nurse like one of those noble women than to make one of those she-doctors elbowing their way in the world with a masculine activity? He strongly objected to the Bill, with its slippery enabling faculties, when it was really a pistol put to the head of the Scotch Universities. Talk of enabling—it only enabled a mass of odium to be thrown on the Universities, if they would not accept the invitation of his right hon. Friend and carry out his behest. Let them develop in women that which could be well developed in them—the faculty of nursing. Provide a college of nursing if they liked in London, Edinburgh—where they pleased. Nursing now required many high, not to say scientific, qualities. The Florence Nightingales represented a very different nurse from the Sarah Gamps of former generations. But they put the whole movement in respect to women in a wrong groove if they attempted to make women the rivals and antagonists of men, instead of giving them a specific province founded on the eternal difference between men and women. So much for the question of medical degrees. If they went into the question of the professions altogether, were they prepared to see women admitted to plead in the Law Courts; to have their sisters and daughters engaged getting up evidence for the Divorce Courts, and what not—the necessary work of a solicitor? If

they did not do that, the argument of the supporters of the Bill was an unreality, a false security. Either women must go in for everything or nothing. They must fight it out with men, the weakest going to the wall, the strongest to the fore, or no plea remained in favour of the Bill. The impossibility of women being men, and unsexing themselves in the unnatural struggle to follow up the other sex, carried with it the whole state of the case. He contended for the development of womanly careers, for opening up professions to women could follow; but he was utterly opposed to this epicene policy in breaking down the distinctions between women and men and producing this result—that, if all professions be thrown open without discrimination, the strongest would be the winners. The strongest were men. There would be a short, feverish excitement; perhaps, for a time, a sentimental feeling in favour of giving the advantage to the woman who was plucky enough to enter for the stakes. That would not last long; common sense and self-interest would assert their sway. Selfishness would play the part it always did, and men would in a generation or so win all the prizes, and women would find themselves out of those means of livelihood which were acknowledgedly theirs, and which might have been made more strongly theirs. Thus they would lose their real chance—they would be disappointed, baffled, and reduced to a worse condition than they were in now. They would become what they were not now, the failures of the world, because they had not tried to hold their own as women, but had entered into a race in which they were overweighted by those whose strength, both physical and in some respects intellectual, armed them for the battle of life as women by the eternal order of the world were not armed. On these grounds, and as an advocate of the development of a true womanly education, and of the movement to find for women every honourable career for which they were suited, he must give his decided vote against the Bill.

MR. NOEL said, he desired to bring the House back, after the speeches of the hon. Member for Cambridge University (Mr. Beresford Hope) and the hon. and learned Member for Marylebone (Mr.

Forsyth), to the fact that this was a Scotch question. They had been travelling away to the general rights of women, and their usefulness when engaged in certain occupations. They were forgetting that the Bill exclusively concerned Scotland and the Scotch Universities. He would yield to no man in his interest in the higher education of women, and in his anxiety to promote such an education as would give their intellectual faculties the greatest scope possible, so as to qualify them for any post for which they might be fitted. He even went further, and said he agreed with much that had fallen from the hon. Members, who believed that women might be perfectly fitted for the profession of medicine, and for many other professions. But they were not asked to express an opinion upon that subject that afternoon, and he begged English Members to come back to the thought that they were dealing with a question which touched only the Scottish Universities. Those institutions were more to Scotland than were the English Universities to England; for while the latter attained to a higher degree of scholarship, as far as general education went the Scottish Universities had a much greater influence on the mass of the population than had the English Universities. The House ought, therefore, to be very careful before they did anything that might in the slightest degree interfere with the efficiency of these great institutions. Evidence had been advanced during the debate to show that in the judgment of those who had the best right to form an opinion on the subject—namely, the large majority of the teachers in the Universities concerned—such a Bill as this, if carried, would be injurious to the Universities. The House was bound to turn aside altogether from all the considerations that had been brought before them that afternoon as to the necessity of women being educated in medicine for service in India. He quite agreed with the right hon. Gentleman the Member for South Hants (Mr. Cowper-Temple) that there was such a want, a great want, in India. But the subject before them was not the want in India of women who had been educated as medical practitioners. What they had to discuss was whether the Bill would be useful or not? Would it interfere with the prosperity of the Universities to which it related? On

Mr. Beresford Hope

that point, the opinion of those most nearly concerned should have the greatest weight. It had been argued that this was merely an enabling Bill; that it forced nothing on the Universities; that it was only an extension of the Act under which they now existed. It was, however, something far more than that. The hon. Member for Kirkcudbrightshire (Mr. Maitland) had pointed out that the University Courts were not the best bodies to decide what, in a case of this sort, was for the best interests of the Universities. But the case would not be the same in the future as if this Bill had not been brought in. It would not be as if this was an old law which had remained dormant, and was only now for the first time brought before the Courts, and not forced on their attention by an Act of Parliament. If the Bill should pass, the Courts that refused the demand which must be immediately made upon them would be placed in a most invidious position. It would become at once a question as to what the Lord Rector would do, for his influence would be very great. Allusion had been made to the late Mr. Stuart Mill. However much they respected that gentleman's memory, and agreed with many of his views, the strength of his opinions on this particular point would have rendered him an unfit guardian for the interests of the Scotch Universities. The House must see with what force Mr. Mill's arguments would have come in the University Court if this Bill had been passed during his Rectorship. The majority of the House were not personally interested in this question, and he therefore begged them to regard it from a Scotch point of view; not to vote as upon the higher education of women in the abstract, or upon the question whether female doctors would be a great benefit or not, but upon the question whether, after hearing what the Members for the Scottish Universities had to advance, they were of opinion that the Bill would be for the advantage of those institutions, whose prosperity they desired to promote. Much as he regretted appearing to oppose the higher education of women, he felt bound to vote against the Bill on the grounds he had stated.

MR. ORR-EWING said, for the most part the remarks of the hon. Member for Kirkcudbrightshire (Mr. Maitland) were directed against the University

Act for Scotland and the constitution of the University Courts. The hon. Gentleman stated that had the hon. Gentleman who introduced that great measure for the establishment of the University Court in 1858 been more conversant with Scotch Universities and education, he would never have ventured to introduce such a Bill. The House would be surprised when he (Mr. Orr-Ewing) informed them that Lord Advocate Inglis was the Gentleman who introduced that Bill—one of the most distinguished lawyers of the day, and now the Lord Justice General; who was educated at the University of Glasgow, and was thoroughly conversant with all the Scotch University arrangements; who carried off the highest prizes there, and thus was enabled to go to Oxford, and there distinguish himself. But more than that, he was supported in his efforts by Lord Moncreiff, a Gentleman whose eloquence had repeatedly charmed that House, and who now stood second in the Court of Session as Lord Justice Clerk. For a Gentleman to pretend that he understood Scotch affairs, and to tell English Members that they knew nothing about Scotch matters, and then to display so much ignorance on the subject, was to him (Mr. Orr-Ewing) very surprising. But besides that, the hon. Gentleman (Mr. Maitland) gave an exposition of those University Courts so incorrect that he (Mr. Orr-Ewing) would like to state to the House how really the University Courts were constituted. He had had the honour of a seat in the University Court of Glasgow for six years. He was first elected as the Assessor of the Lord President, who was then Lord Rector, and for the three last years he had been elected as Dean of Faculties by the Senate. The Court consisted of seven members. The Chancellor was the late Duke of Montrose, and he hoped that the hon. and distinguished Baronet the Member for Perthshire (Sir William Stirling-Maxwell) would be his successor. The Lord Rector was a member, and had the power of appointing an Assessor, as also had the Chancellor. The Chancellor made it a point to name as Assessor so distinguished a man that he was made generally the Clerk of the University Court. The Senate elected two members. The Council of Graduates elected one. Now, he said that, although English Members

might fancy that was a complicated way of electing a Governing Body of a University, he could inform them that he had never heard a single objection to the action of the Courts in the Universities of Scotland. Nay, more, the Councils of the Universities had lately been agitating for power to elect a greater number of members to the Court, not that they were dissatisfied with the action of the Court, but in order to give the graduates a greater interest in the Universities; and there had never been one statement at any meeting of the graduates complaining of the action of the University Court. The hon. Gentleman said that the Lord Rectors had the sole control of the University Courts, and that they were elected by boys between the ages of 14 and 21. He would say that they had always displayed great wisdom in the decisions they had come to. They had invariably elected men distinguished in science, literature, or statesmanship. It was not correct to say that the Rectors had an overwhelming power in the University Courts. The Lord Rector was satisfied to be represented by his Assessor, and therefore his own power was of the smallest description. Another member of the Court was the Principal of the University, who was always one of the most distinguished men in the country. Although he (Mr. Orr-Ewing) intended to vote for the second reading of the Bill, he did not agree with all the objects desired to be obtained by it. He agreed with that part of it which, from its title, one would suppose was its real object—namely, the granting of degrees to women. But he did not agree with what he considered the more important part of the Bill—namely, that the University Court should have the power of insisting that women should be taught in the Universities. He thought it was a great hardship that ladies who had qualified themselves by education received beyond the walls of our Universities, should not have an opportunity of getting that distinction which alone gave them the power of pursuing the profession to which they wished to attach themselves. They would not get such distinctions on easier terms than men, so why should they be deprived of the privilege? At the same time, he objected to the admission of women as students in our Scotch Universities. In the

Mr. Orr-Ewing

University of Glasgow the number of male students was 1,400 or 1,500. Would it not be dangerous, for the sake of the education of the youths, to introduce a disturbing element into our Universities? Some ladies were so masculine, and some men so effeminate, that between such there was not much danger. But, unfortunately, the mass of mankind was differently constituted. They were all subject to an elective affinity, which was greatly promoted by proximity and opportunity. He was very much afraid that if ladies were admitted, the peace and quiet so necessary for a student's life would be greatly disturbed. That, however, was no argument against their giving women the means of obtaining a degree for which they had qualified themselves by an education beyond the walls of the University. He also objected to the Bill because it gave increased powers to the University Courts. By the 12th clause of the Act of 1858, the University Court had power over the internal arrangements of the University, but it had no power over the modes of teaching or the selection of students, which was left entirely in the hands of the Senate. The Bill was, therefore, by a side-wind, endeavouring to overturn the Act of 1858. It might be an expedient and wise thing to do, but before doing it he thought they should have a Commission of Inquiry on the subject. He also objected to the Bill on the ground of its permissive character, and because it would only change the scene of agitation from Parliament to the Universities if it became law. If the proposals of the Bill were right and proper, they should be made generally compulsory. If they were not right and proper, they would not be made more so by being permissive. However, he was so anxious to give the ladies an opportunity of becoming medical practitioners if they wished—and nobody would be obliged to employ them who did not choose to do so—that he should vote for the second reading of this Bill.

MR. MARK STEWART said, it appeared to him very probable that the hon. Member who had just sat down, although his name was to be found on the back of the Bill, was not very fervent in his desire for its success. For himself, he thought, its permissive character was highly objectionable.

One argument which had been used, and which would probably carry conviction to the minds of many persons outside was, that a number of worthy ladies, who at present had no great object to which to give their attention, would be benefited by the Bill by being enabled to become medical practitioners. He, however, would ask the supporters of the measure, when within the circle of their acquaintance they found many persons who, in case of serious illness, were content to have recourse to a female doctor? In such cases it was not the loving attendant and careful woman who was called into requisition, but a practitioner of the sterner sex. The so-called rights of women were often advocated in that House in a vague fearless sort of way by hon. Members who, in their amiability of character and their desire to do good to others, did not in the least foresee the consequences of their agitation. The House was asked to agree that it would be a good thing to admit females as medical practitioners, and hon. Members would come into the House without having heard any of the arguments and give their votes on the question. That was not the way in which legislation should be carried out. Indeed, he thought they had too much legislation altogether, for they were constantly moving new laws and changing old ones. It was absurd to suppose they could make the education of men and women identical; or that they could fit women, however excellent and deserving, for duties for which the nobler and sterner sex alone were suited. Nature, in the end, would no doubt right herself, but, meanwhile, they should endeavour to avoid making laws which were opposed to Nature. He was willing women should have a good education, and be admitted to the hospitals and infirmaries to perform such duties as they were qualified for; but they could not expect to rank with physicians, whose whole life was generally spent in the study of some particular phase of disease. A great evil in connection with the admission of females to study at the University, if the Bill became law, would be that they would have to meet with the 1,400 or 1,500 young male students. If as had been stated, plenty of money could be found to pay for the medical education of ladies, why not establish a special University, with a special staff of

teachers especially for them? and to this he would have no objection whatever. The hon. and learned Member for Marylebone (Mr. Forsyth) had quoted the opinion of some University Professors in favour of the plan which the Bill sought to legalize; but the gentlemen he had named were only Professors of Rhetoric, History, and Logic; whereas 10 out of 12 of the Professors in the Medical department of the Edinburgh University had signed a protest quite the other way. He should decidedly oppose a second reading.

MR. M'LAGAN said, there were three points to consider—First, was there any demand for female medical practitioners? Secondly, was it expedient to have them? And thirdly, if expedient, how were they to be educated? The existence of a demand was proved by the circumstance that Petitions signed by thousands of persons in favour of the Bill had already been presented to the House, one Petition alone being signed by 16,000 people; whilst it was also a fact that female practitioners had practised in London for some time past with great success. The very existence of the demand made it to his mind expedient that these lady practitioners should be allowed. There were many diseases specially applicable to women, and which could be best treated by female doctors, who were gifted with a keenness of perception which enabled them more readily to discover the diagnosis of such cases. There were many female complaints of a delicate nature, where women either were afraid to call in a medical man at all, or, if they did call him in, did not give him sufficient information as to the symptoms to enable him to understand the case. In such instances female practitioners would be a great public advantage. Then, premising that it was expedient to have such practitioners, he came to the question of how they were to be educated. Surely, if they were to have them at all, they should have them well educated; they should be allowed to enter the first Universities of the land, and if they did not allow them to do so, they must expect to be troubled with quacks and empirics; because if there was really a demand for female practitioners, they would assuredly practice in spite of all opposition. The hon. Member who moved the rejection of this Bill had told them he was a member of

the University of Oxford. He (Mr. M'Lagan) had not the honour of belonging to an English University; but he had passed through the whole curriculum of one in Scotland, and was a member of the Council of the University of Edinburgh. If the hon. Member (Mr. Maitland) had been one of the Council, and had received more of his education in Scotland, he would not have fallen into some of the mistakes which had characterized his speech. He had in that speech condemned the University Courts in a manner which his hon. Friend had twice proved to be unjustified. He would not refer to his remarks as to the non-possession of common-sense by their Lord Rectors, but the hon. Member had also, in speaking of the Lord Provost and his Assessor, ridiculed the idea of their being members of a University Court. Did the hon. Member know that the eminence the Edinburgh University had achieved had arisen entirely from the past management of the Lord Provosts and the Town Council? For centuries the University was governed entirely by those municipal authorities, and under their management attained a celebrity it could never in future surpass. It was for that reason that, when some years ago the laws relating to its management were altered, the Town Council was still allowed to send its representatives to the University Court. His hon. Friend thought there would be a great expense attending the admission of ladies to the Universities of Scotland; but if the ladies of England and Scotland wished to enter any of those establishments, and the University Court gave them the privilege, he did not doubt that all the necessary funds would be forthcoming. The hon. Member forgot one point—namely, in the University of St. Andrews there was not a single medical student. [An hon. MEMBER: Two.] At all events, there was plenty of scope there for the ladies. His hon. Friend had spoken as if they were going to make an attack on Edinburgh University; but the hon. Member who introduced the Bill explained that he had his eye on St. Andrews, where there was plenty of room for the ladies without having mixed classes. It had been well remarked that all the principal avenues to wealth and position in England were closed against women. That was a misfortune, inasmuch as its effect was only to drive them

to frivolous occupations to which they were so improperly condemned. He trusted that the House would now decide to open the medical faculty to ladies, and give the University Courts the legal powers necessary to that end. He agreed that the Preamble of the Bill was decidedly wrong in stating there was a doubt as to the power of the University to admit women. He thought the fact that they had not such power could not be doubted, and he supported the Bill all the more strongly on this account. The hon. Member opposite (Mr. Mark Stewart) complained that they were always making and altering laws. Well, he always understood that that was the business of a Legislative Assembly, and it was certainly for such a purpose that he was sent there, even if the hon. Member for Wigtown was not. The discussion that afternoon had been confined mainly to the question of women studying medicine; but there was almost as much to be said in favour of their being admitted to the Universities to study other branches of knowledge, and it was singular that, although almost every speaker had announced himself favourable to giving higher education to women, yet many of them seemed disposed to shut against them the doors of those great Universities where the higher education was to be obtained. He cordially supported the second reading of the Bill.

MR. LYON PLAYFAIR: All the speakers who have addressed the House in favour of the Bill have spoken as if it were limited to a single question—the admission of women to the profession of medicine. That is not the limited scope of the Bill. Its scope is to admit women to instruction and graduation in all Faculties—those of Arts, Law, Medicine, and Divinity. No one could have gathered this from the speeches delivered. My right hon. Friend who introduced this Bill, the Member for South Hants (Mr. Cowper-Temple), gave two minutes to this general part of the subject, and my hon. and learned Friend the Member for Marylebone (Mr. For-syth) gave exactly half a minute. All the rest of their long and able speeches was devoted to the rights of women to practice medicine. But that is a question for the reform of the Medical Act, not a justification for the abrogation of Royal Charters. I decline to discuss

Mr. M'Lagan

this general question, as I wish to confine my remarks to the essence of the Bill. My right hon. Friend had the advantage last year of a pretty full discussion of this question, and might then have learned some of the difficulties connected with the proposal to admit female students or graduates to the Universities of Scotland. But he takes up the subject again, and introduces a Bill in a spirit of admirable simplicity, as if he approached it for the first time in a state of ignorance of the character and constitution of these Universities. The form and provisions of the Bill make it absolutely useless for his purpose. It begins with a legal misstatement. What does he mean by the words in the Preamble—"Whereas doubts have arisen?" My right hon. Friend has had long experience in Parliament, and he must know that the only interpretation of such words is, that there is a legal doubt and unsettled law on the subject-matter of his Bill. No such expression can refer to the doubts of individuals; it is only applicable to doubts of law. Now, there are no such doubts. The Supreme Court of Scotland has decided that the Charters of the Scotch Universities do not empower them to graduate women, and there has been no appeal against that judgment. Again, who asks this House to legislate on the subject? Certainly not any of the constituted authorities of the Universities. There are three of these—the General Council, or body of graduates; the *Senatus Academicus*, or body of Professors; and the University Court, a body of half-a-dozen representative men. Has this House received a Petition in favour of the Bill from any single constituted authority of one of the four Scotch Universities? Petitions from some of them have indeed been laid on the Table; but they are all against the Bill. Who, then, are the clients of my right hon. Friend? No doubt, they are the promoters of women's rights, desirous that there should be equal chances of education and graduation for women as well for men. Such a claim is comprehensible, and has no small amount of arguments in its favour. But to advance it openly and honestly, my right hon. Friend ought to have begun his Preamble thus—"Whereas it is right that our national Universities should be equally available to men and women." We could all understand the

magnitude and importance of such a claim. But with an honest Preamble of that character, my right hon. Friend knows the House would not listen to him. Parliament is too sensible of its own responsibilities to pass over a question of this character to be legislated upon without reserve by a few gentlemen in a Scotch town. Is the House prepared to pass this great change in our University system on the Bill of a private Member? My right hon. Friend has tried to excite the sympathies of the House for a few meritorious ladies who entered the University of Edinburgh as students, but who were unable to become graduates. Personally, they were most meritorious, and deserved any academical honour. But they entered the University as a mere experiment, the result of which was always doubtful. They were not invited, nor were they desired by the University. With wonderful persistency and courage they knocked at the gates till they secured admission. They had certain sympathizers among a few of the Professors, who made voluntary arrangements for instruction in classes separate from the male students. These Professors had classes of a couple of hundred male students, and at great inconvenience they repeated their courses of lectures to these half-dozen ladies. They made the experiment for one year, and no consideration would induce one of them to repeat it again. The work was found incompatible and injurious to the general work on which they were engaged, and in several cases their health broke down in the attempt. The University Court had authorized the experiment to willing Professors, but all became unwilling to repeat it. Then arose the question of powers of graduation, and the Supreme Court declared that the University Charters did not confer them. The case is a hard one to the individual ladies; but the law is often hard when it is assailed in ignorance. And what does the Bill propose to do? I am quite sure that my right hon. Friend does not in the least know what a strange and arbitrary measure it is, and to what extent it violates all academical safeguards. Graduation in the Scotch Universities is governed by statute (21 & 22 *Vict.*, cap. 82), and by ordinances made under it. Now, by these, no changes—even in regard to existing degrees—can be

made without passing through many stages to secure ample consideration and deliberation—in fact, there are five stages necessary. The *Senatus Academicus*, the University Court, the General Council, the Chancellor of the University, and, finally, the Queen in Council, must be consulted before a change in a degree is allowed. All this has been arranged with care and order to prevent rash innovations in the case of degrees for men. But, while my right hon. Friend contends for equal treatment of women, he jumps at a bound over all these safeguards; for he confers on a select committee of from six to eight gentlemen, called the University Court, the right to make what regulations they please regarding the education and graduation of women. He not only deprives the other constituted authorities of their joint rights in such questions, but he also abrogates the approving authority of the Queen in Council. Can he expect the House to adopt such a Bill? I hope that the House will observe that they are not asked in any true sense to legislate by this Bill; they are asked to decline legislation. For, on one of the most important subjects which could occupy Parliament, we are asked to leave all legislation to half-a-dozen irresponsible gentlemen sitting in Edinburgh, St. Andrews, Glasgow, and Aberdeen, without control, and with all the safeguards provided by statutes knocked away. Upon such a Bill I refuse to discuss the large question of female education. Perhaps on this subject my views are as advanced as either of my right hon. Friends the Members for South Hants and Halifax (Mr. Cowper-Temple and Mr. Stansfeld). I oppose the Bill on two grounds. First, because in itself it is a bad Bill, wholly unsuited to the constitution of the Universities, and at variance with the practice of this House, which is asked to delegate its legislative functions on an important question to a small committee of irresponsible gentlemen in Scotland. Secondly, I object to it, because, if it became law to-morrow, it would be useless in the attainment of its purpose. Take, as an example, the case of Edinburgh University, against which it is chiefly aimed. That University has 800 medical students, surely a large enough number to occupy the attention of all its Medical Professors. Now, if to these

you add a dozen medical students of an opposite sex, requiring separate classes, you distract the attention of the Professors from their legitimate work, and deteriorate the whole teaching-power of the school. The promoters of the Bill say, let them be taught outside the walls of the University, and be simply graduated. But they do not know that the very essence of a Scotch University is its teaching power. It is not a mere graduating machine. St. Andrews does indeed possess graduating powers independent of its teaching; but for that very reason, that privilege has been limited by ordinance to 10 medical men annually of the mature age of 40 years. But this Bill is drawn up by persons who know none of these things. It would give unlimited powers to half-a-dozen gentlemen in St. Andrews to graduate any number of young lady doctors, while the Queen in Council refuses to allow more than 10 male graduates of not less than 40 years of age. That one fact will show how little consideration the Bill has received. My right hon. Friends may, indeed, abandon their position as to female medical students and make a wide claim for graduation in all Faculties—Arts, Law, Medicine, and Divinity; but I deny that they have any right to deal with such a wide question in a Bill of this kind. To deal with a question of this scope and magnitude by remitting it to a committee of irresponsible gentlemen would be unworthy of Parliament. If you did do so, the Scotch Universities are the most unfit for the trial of such experimental legislation. Their teaching and their pecuniary resources are small, and both are taxed to the utmost. What is the use of conferring powers upon them which they do not want, and which they could not exercise, if they possessed them. For the possession of powers involves responsibilities in their exercise, and this Bill does not provide a single additional means for carrying out a system which is avowedly beyond the existing resources of all the Scotch Universities.

MR. STANSFELD said, there had been a perfect chorus of profession of violent friendship towards woman among hon. Members who were combining to defeat the Bill. Whether they were justified and would succeed in that object remained to be seen; but he had yet to learn that when that House considered

it just and expedient to open any profession to the public, they were in the habit of consulting or bowing with undoubting deference to the opinions which might be held in opposition to the proposal by those who were exclusively members of the profession in question. There was a great deal of Trade Unionism to be discovered in the community generally outside the Trade Unions of working men, and he thought a good deal of that spirit was evinced in the opposition to this Bill. Indeed, he knew no profession in which there was more of the feeling of Trade Unionism than in the medical profession. The hon. Member for the University of Cambridge (Mr. Beresford Hope) had been loud in his expressions of devotion to the sex, and he was not satisfied with advocating the laws of Nature, but he must favour the House at no inconsiderable length with his own views, not easy to follow or understand, that women were specially meant and destined by Nature for the work of nurses. But when they took a step further, and they asked ladies to apply their faculties to the study of the medical profession and science, so that they might not only become nurses but medical women, then the hon. Gentleman said that was beyond their sphere. The hon. Gentleman had cited the name of Florence Nightingale, and he appeared to be under the impression that that lady was a person whose faculties were to be characterized, and whose life was to be described, as that of a "highly accomplished nurse." Now, he (Mr. Stansfeld) had to tell the hon. Gentleman that there could not be any definition of the faculties, career, and work of that admirable and extraordinary woman more inaccurate and more incompetent than the definition of her as simply being an admirable nurse. The work of Florence Nightingale had been much more of a man's work in the world, because it had been the work of a great reformer and great administrator. The hon. Member who had moved the rejection of the Bill (Mr. Maitland) had also been abundant in his professions about women; but he appeared to have become a recent convert to the powers of persuasion and argument of his right hon. Friend near him (Mr. Lyon Playfair). He said the Bill contained a great untruth in its Preamble; because it stated that doubts had arisen as to the powers

of the Universities to admit women as students. Now, it was no part of the case that there were doubts. The case of his right hon. Friend (Mr. Cowper-Temple) was rather strengthened, if there were no doubts; because, if the law was clear, let them alter it. There had been much discussion about the constitution of the University Courts. It had been said that these were not bodies to be admired or respected, and a good many Scotch Members had come down to the House to inform them on the subject, and to assure them that they had hitherto been under a delusion, and that they had paid to these bodies too much respect. Well, he had been in the habit of judging of institutions by their fruits, and he maintained, against the opinions and declarations of those hon. Members, that the Scotch Universities might, in many matters, be followed with advantage by the Universities of this country. He refused to believe that bodies which had hitherto managed with so much success the great educational institutions of Scotland were incapable of administering a law like that which was contained in the Bill. His right hon. Friend (Mr. Lyon Playfair) had evidently spoken to-day rather in the character of the Representative of the University of Edinburgh, than as one who was giving utterance to his own profound convictions on this subject, because he was entirely at one with them on the general subject of the higher education of women; and he objected to the Bill, because the University which he represented objected to it. Now what were his objections to the Bill. He said it was declaratory, and did not enact any law. He took issue with him on that statement, and his right hon. Friend must know that it was a mere quibble, because this really was an enacting, and not a declaratory Bill. He had also, with some surprise, heard his right hon. Friend say that the Bill did not even legislate, but that it relegated this question to certain local bodies. He also took issue, distinctly and directly, upon that proposition. What it would be for them to decide was, whether the conditions of their locality and of their special institution enabled them with advantage to themselves, and to the cause of education, to undertake this task. That was, therefore, to his mind, a most reasonable permissive measure; and it was not weak,

because it was permissive, for it recognized that the admission of women to medical degrees might be expedient at one University, and not at another. He admitted entirely that if it was the opinion of that House that the doors of Universities should be closed to women, then let them not agree to the second reading of this Bill; because, if they did so agree, it would be held to carry with it the expression of the opinion of Parliament that the medical profession ought to be open to women, that being the purpose of the Bill. It had been said that, provided the Bill was passed, the University of Edinburgh would not see its way to adopt its provisions. That might be so; but did anyone mean to say that the University of St. Andrews would not accept the measure? Both the frame and form of the Bill had been objected to; but these had been decided upon in reference to the history and facts of the claim of the ladies to petition Parliament for justice. From that history, it appeared the University of Edinburgh allowed, if they did not induce, these ladies to enter upon a course of study with the well-founded expectation that they would be permitted to graduate, and he held that the University was bound in honour to carry out the engagement. Instead, therefore, of petitioning against an alteration of the law which would enable them to fulfil an honourable contract, they ought to be the first to come to that House and ask for help in carrying out the contract into which they themselves had chosen to enter. To show that he was not for a moment overstating the case, he would appeal to the words uttered by the Lord Rector of Edinburgh University (Lord Moncreiff), who said he did not think that the regulations of the University Court admitted of any other interpretation than that they enabled women to qualify for graduation. He also said that on the faith of those regulations the "pursuers" went through a considerable part of the prescribed curriculum, and that to deny them the degree which was essential to their entering the profession for which they were studying, on the pretext that no such end was ever contemplated, was in his opinion unjust and unwarranted. The question before the House was this—The Supreme Court in Scotland had de-

cided that the admission of these ladies into the University of Edinburgh was *ultra vires*, and the Bill proposed to put such admissions within the power of the Scotch Universities. The judicial decision applied to those Universities only, and that was the reason the Bill was confined to them. It contained the minimum of legislation, and if, as he hoped, some of the Scotch Universities acted upon the power it would give them, and came to that House hereafter for a grant in aid to enable them to carry out the power, he, for one, should be quite ready to support such a grant. Believing that the Bill would remedy an injustice and confer a right, the exercise of which would be for the public advantage, he should cordially support the second reading.

MR. ROEBUCK: I approach this subject quite as an outsider, though I have been told since I entered the House that it is entirely a Scotch question. Now, I am not one of those who are friends of what are called strong-minded women, and I rise to take part in this debate simply as a man of the world, asking himself what the Bill does, and whether what it proposes to do will be mischievous to the community or not. This question has been, I am sorry to say, mixed up with various subjects. We have been told a great deal about the Scotch Universities, and of the difficulties which would be incurred by them if the Bill were to pass. In one breath we have been told that the Bill does wonders, and in the next breath we have been told that it does nothing. As I understand the question, in the present state of the world there is great competition amongst us all for the powers of life. That competition greatly exists amongst men, but still more amongst women; and it has been considered by those whose thoughts have been devoted to the good of their fellow-creatures, that some means might be provided for the better employment of women's time, in order the better to provide for their subsistence. Now that is not simply a Scotch question, but a large and general question which I wish to consider. Under the circumstances to which I refer, it has been proposed that women should direct their attention to medical science, so that they may employ the energies and abilities which God has given them for the be-

nefit of their fellow-creatures. Some of these ladies have accordingly endeavoured to learn the science and art of medicine, and have devoted themselves to its study with great intelligence and unwearied industry. They have gone down to Scotland, because they knew that that country has within itself a great teaching body of medical science, and that there they would learn that science well. Well, they go down there, and after being admitted they are all of a sudden met with difficulties, and it is found that their time has been thrown away. They not unnaturally ask their friends—"What are we to do?" Their friends inquire of men learned in Scotch law, and they tell them that what has been determined against them in a Court of Appeal in Scotland if it goes to the House of Lords will be sustained, and that in opposing it, they will probably lose both their time and money; but, they say, there is a power in the world above the final Court of Appeal, and that is the Court of Parliament, and this Bill is brought in to remedy what was said to be the state of the law. Is there anything so wrong, or is there anything to find so much fault with, in the Bill brought in under those circumstances? The Bill enables Scotch Universities to give ladies degrees, if they desire them, and it confers no more nor less than medical degrees on women. What objection is there to that? You may hide it as you like, you may cover it up with fine phrases, you may speak of it in the strong language in which it has been spoken of to-day, but at the bottom the opposition to the Bill is a Trades Union opposition. It is seen by the medical profession that they will have more competition, and that women will be their competitors, and therefore they oppose the Bill. But I would ask, what harm can possibly be done to any class of human beings by granting the powers asked by the measure? What possible danger can arise to any human being from its becoming a law? The answer must be, that there can be none; and if that is so, how can you possibly refuse to pass it? We are here a body of men, deciding upon the interests of the community, and we ought not to forget that in spite of ourselves the feeling of our own sex rises up, and men's interests are preferred to women's interests in spite of all the

soothing words we hear, and men will desire to do that for men which they will not do for women, you may talk for a month, you may bring great law to bear upon this question, you may quote names great in history, arts, and science; but you cannot rub out the stain which will be on this House if it refuses to do justice to women, and prevents them using that intellect which God has given them in a fair, honest, and upright manner for their own good.

THE LORD ADVOCATE said, he must repudiate with scorn all the allusions which had been made by the right hon. Gentleman opposite (Mr. Stansfeld) and by the hon. Gentleman who had just spoken, about the opposition to the Bill proceeding from a spirit of Trades Unionism. He could only say that the movement in favour of the medical education of women in the University of Edinburgh took its origin in the Medical Faculty, and that they were the great supporters of the movement; therefore, it was in vain to say that their present opposition now proceeded from a spirit of Trades Unionism. On the contrary, the Faculty engaged to give private lectures to enable ladies to obtain medical education, and they did give the lectures as long as they could do so. It was only after they found that the experiment could not be worked, without exposing themselves to a state of circumstances, which prevented them from doing justice to the ordinary students, that they said they could no longer continue these private classes. Originally, it had been proposed that there should be classes established in which instruction could be given both to male and female students at the same time; but that was at once objected to by the University Court, who said that they would be no parties whatever to such an arrangement. But the present Bill proposed to give power to the Universities in Scotland to give instruction to women, either "in separate classes or otherwise;" so that what the House was asked to sanction was, the education of women and men separately, or together in mixed classes. On that head he would merely quote the opinion of one of the Scotch Judges, who was one of the minority in favour of the ladies. He said he felt it to be his duty to state his decided opinion that the promiscuous attendance of men and women in mixed

classes, with concomitant participation in the administration of medical exposition, was a thing so unbecoming and so antagonistic to the delicacy of the female sex, that the law and constitution of the University, which was bound to seek to promote the 'advancement of morality as well as learning, could not sanction or accept such a proposition. And yet one of the provisions of the Bill was, that the Universities might be allowed to give instruction to females in "separate classes or otherwise." He was a member of the University Court at the time the experiment he had referred to was made. When it was found that the Professors were unable to continue their private instruction—which was the only mode of imparting the kind of education required sanctioned by the University Court—and when it was found that the scheme had broken down, an intimation was received to the effect that the ladies claimed to have instruction in the public classes of the University. That being so, it was found that the question required to be tried in a Court of Law, to see whether there was power in the University Court or in any other body connected with the University to confer a degree upon a lady. That was tried, and the result was, that all the Judges came to the unanimous conclusion—and he admitted it was contrary to his first impression (but lawyers often found it necessary to change their first opinion, after hearing the arguments of the case)—came to the conclusion that there was no original right of admission to females in the Universities of Scotland. Such a right did not exist in this country, and it existed only to a very limited extent in any foreign country. That being so, the only argument that could be brought forward by the legal advisers of the ladies was, that their case should be rested on the resolution passed in 1869. The Court with regard to this special ground, held, by a majority, that there could not be any right given to the ladies, because if there was no right of graduation under the original charter, it was *ultra vires* in the University authorities in 1869 to pass their resolution. Well, this was the position of matters when, instead of making a general proposal with regard to the education of females in England as well as Scotland, a Bill was brought forward for the purpose of enabling all the

Universities in Scotland to give degrees to ladies. The first question that arose was, what was the spirit of this legislation? It appeared to him to be rather intended to enforce a supposed contract with certain ladies which was made by the Edinburgh University in 1869. If that were the spirit of the Bill, why apply the Bill to the other Universities? The Universities of Glasgow and Aberdeen, which he represented, had nothing to do with the contract at all. They never entertained the question, and, therefore, it was he said the Bill went beyond the evil which it was intended to remedy. Then why should the Bill apply to the Universities of Scotland only? It was a great question involving Imperial interests, not only Scotch; and it so happened that all the ladies, with one exception, were English ladies, who went down to Scotland for the instruction they wished to obtain. Why did the Bill not say, then, that the same principle as that suggested for Scotland should apply in England—that in all the Universities of Scotland and England women should be entitled to graduate as well as men? He was not arguing at all, and he said so in a spirit of sincerity, against the higher education of women in Great Britain. On the contrary, he had shown that he was actuated by no motives of that kind by what he had done when he was a member of the University Court in 1869. But they had experience since then, and had found that the difficulties which beset any attempt to educate ladies, especially in connection with Colleges or Universities which were originally intended for male students alone, were too great, and they feared there would be great difficulty in carrying out any such arrangement as that proposed in this Bill. If it was right that this Bill should pass, it should be made compulsory; certainly as regarded those Universities which were parties to this arrangement in 1869. Why, however, should it not apply to the London University, which was not a teaching University, but an examining University; so that none of the difficulties, which arose in the Scotch Universities with regard to the teaching of women, would apply? Why was it not applied to the London and to the Oxford and Cambridge Universities? The Bill, he thought, was an attempt to bring on

legislation in favour of women without having duly considered what might be the consequences, especially as regarded those questions affecting the Scottish Universities which had been referred to in such glowing terms by the hon. Member for Dumfries (Mr. Noel). He (the Lord Advocate) prayed that the House would not by its present procedure, introduce that which he feared would be unfortunate, and which would sow an element of discontent and argument amongst those who had the management of the Universities.

MR. COWPER-TEMPLE, in reply, said, that the question at issue was whether women might have a share in the highest education or be restricted to inferior teaching, and whether they should be excluded by law from the practice of medicine. The House ought not on this question to be guided by the wishes of the majority of the medical profession, and it was just and reasonable that the House of Commons should have regard to the desire, the feelings, and the interests of that large portion of the community who were not represented there.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 151; Noes 194: Majority 43.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

AYES.

Adam, rt. hon. W. P.	Carter, R. M.
Anderson, G.	Cave, T.
Archdall, W. H.	Cavendish, Lord F. C.
Arkwright, A. P.	Chadwick, D.
Ashley, hon. E. M.	Cholmeley, Sir H.
Backhouse, E.	Clarke, J. C.
Balfour, A. J.	Clifford, C. C.
Balfour, Sir G.	Collins, E.
Barclay, J. W.	Conyngham, Lord F.
Bazley, Sir T.	Corbett, J.
Beach, W. W. B.	Corry, J. P.
Beaumont, Major F.	Cowan, J.
Bective, Earl of	Cowen, J.
Biggar, J. G.	Crawford, J. S.
Bolckow, H. W. F.	Cross, J. K.
Boord, T. W.	Crossley, J.
Briggs, W. E.	Davies, R.
Bright, rt. hon. J.	Denison, C. B.
Brocklehurst, W. C.	Dickson, T. A.
Brooks, M.	Dilke, Sir C. W.
Brown, A. H.	Dillwyn, L. L.
Browne, G. E.	Dixon, G.
Callender, W. R.	Dundas, J. C.

Errington, G.	Meldon, C. H.
Evans, T. W.	Mellor, T. W.
Ewing, A. O.	Monk, C. J.
Eyton, P. E.	Morgan, G. O.
Fawcett, H.	Muntz, P. H.
FitzGerald, rt. hn. Sir S.	Nolan, Captain
Fitzmaurice, Lord E.	O'Gorman, P.
Fletcher, I.	O'Reilly, M.
Fordyce, W. D.	O'Shaughnessy, R.
Forster, Sir C.	O'Sullivan, W. H.
Forster, rt. hon. W. E.	Palmer, C. M.
Forsyth, W.	Pease, J. W.
Gore, W. R. O.	Pennington, F.
Gourley, E. T.	Plimsoll, S.
Grieve, J. J.	Plunkett, hon. R.
Hardy, J. S.	Polhill-Turner, Capt.
Harrison, C.	Powell, W.
Harrison, J. F.	Power, J. O'C.
Havelock, Sir H.	Power, R.
Hayter, A. D.	Price, W. E.
Herbert, H. A.	Rathbone, W.
Herron, E.	Richard, H.
Hervey, Lord F.	Robertson, H.
Hill, T. R.	Roebuck, J. A.
Hodgson, K. D.	St. Aubyn, Sir J.
Holland, Sir H. T.	Samuda, J. D'A.
Holland, S.	Sanderson, T. K.
Holms, J.	Sandford, G. M. W.
Holt, J. M.	Seely, C.
Hopwood, C. H.	Selwin - Ibbetson, Sir
Howard, hon. C. W. G.	H. J.
Jackson, H. M.	Sherlock, Mr. Serjeant
Jenkins, D. J.	Sherriff, A. C.
Johnstone, Sir H.	Simon, Mr. Serjeant
Kay - Shuttleworth,	Smith, E.
U. J.	Smyth, P. J.
Kenealy, Dr.	Stacpoole, W.
Kennaway, Sir J. H.	Stansfeld, rt. hon. J.
Kensington, Lord	Sullivan, A. M.
Kinnaird, hon. A. F.	Talbot, C. R. M.
Knight, F. W.	Taylor, P. A.
Lawson, Sir W.	Tennant, R.
Leeman, G.	Tremayne, J.
Lefevre, G. J. S.	Travelyan, G. O.
Leith, J. F.	Villiers, rt. hon. C. P.
Leslie, J.	Wait, W. K.
Lowe, rt. hon. R.	Whitbread, S.
Lubbock, Sir J.	Whitworth, W.
Lush, Dr.	Wolf, Sir H. D.
Lusk, Sir A.	Yorke, J. R.
Macgregor, D.	Young, A. W.
Mackintosh, C. F.	
M'Combie, W.	
M'Kenna, Sir J. N.	
M'Lagan, P.	
Matheson, A.	

TELLERS.

Cameron, C.
Temple, rt. hon. W.
Cowper-

NOES.

Adderley, rt. hn. Sir C.	Beaumont, W. B.
Agnew, R. V.	Bentinck, G. C.
Allen, Major	Bentinck, G. W. P.
Arkwright, F.	Beresford, Colonel M.
Arkwright, R.	Birley, H.
Ashbury, J. L.	Bourke, hon. R.
Ashton, R.	Bourne, Colonel
Baggallay, Sir R.	Bright, R.
Bailey, Sir J. R.	Brise, Colonel R.
Barclay, A. C.	Broadley, W. H. H.
Barrington, Viscount	Bryan, G. L.
Bass, A.	Buckley, Sir E.
Bates, E.	Burrell, Sir P.
Beach, rt. hn. Sir M. H.	Campbell, C.

Campbell-Bannerman, H.
 Cartwright, F.
 Cave, rt. hon. S.
 Chambers, Sir T.
 Childers, rt. hon. H.
 Churchill, Lord R.
 Clifton, T. H.
 Clive, Col. hon. G. W.
 Close, M. C.
 Cochrane, A. D. W. R. B.
 Coope, O. E.
 Corbett, Colonel
 Cordes, T.
 Corry, hon. H. L.
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Davenport, W. B.
 Deakin, J. H.
 Denison, W. E.
 Dickson, Major A. G.
 Disraeli, rt. hon. B.
 Dunbar, J.
 Dyke, W. H.
 Eaton, H. W.
 Edmonstone, Admiral Sir W.
 Edwards, H.
 Egerton, hon. A. F.
 Egerton, hon. W.
 Elcho, Lord
 Ellice, E.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Eslington, Lord
 Fellowes, E.
 Ferguson, R.
 Floyer, J.
 Freshfield, C. K.
 Gallwey, Sir W. P.
 Gardner, J. T. Agg-
 Garnier, J. C.
 Gibson, E.
 Goddard, A. L.
 Goldsmid, J.
 Gordon, rt. hon. E. S.
 Gordon, W.
 Gorst, J. E.
 Greenall, G.
 Greene, E.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, I. T.
 Hamilton, Lord G.
 Hamond, C. F.
 Hanbury, R. W.
 Hantkey, T.
 Hardy, rt. hon. G.
 Ilay, rt. hon. Sir J. C. D.
 Heath, R.
 Hogg, Sir J. M.
 Holford, J. P. G.
 Holker, Sir J.
 Home, Captain
 Hood, Captain hon. A. W. A. N.
 Hope, A. J. B. B.
 Hunt, rt. hon. G. W.
 Isaac, S.

James, Sir H.
 Johnson, J. G.
 Johnstone, H.
 Johnstone, Sir F.
 Jolliffe, hon. S.
 Kavanagh, A. MacM.
 Kingscote, Colonel
 Knowles, T.
 Learmonth, A.
 Lee, Major V.
 Legh, W. J.
 Leigh, Lt.-Col. E.
 Lewis, C. E.
 Lewis, O.
 Lindsay, Col. R. L.
 Lloyd, S.
 Lloyd, T. E.
 Locke, J.
 Lopes, Sir M.
 Lowther, hon. W.
 Lowther, J.
 Macartney, J. W. E.
 Macduff, Viscount
 Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Manners, rt. hn. Lord J.
 March, Earl of
 Marjoribanks, Sir D. C.
 Marten, A. G.
 Mills, Sir C. H.
 Montagu, rt. hn. Lord R.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Mowbray, rt. hon. J. R.
 Mulholland, J.
 Nevill, C. W.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 Noel, E.
 North, Colonel
 Northcote, rt. hon. Sir S. H.
 Norwood, C. M.
 O'Connor, D. M.
 Onslow, D.
 Peplow, Major
 Percy, Earl
 Phipps, P.
 Playfair, rt. hn. Dr. L.
 Plunket, hon. D. R.
 Raikes, H. C.
 Ramsay, J.
 Read, C. S.
 Rendlesham, Lord
 Repton, G. W.
 Ridley, M. W.
 Ritchie, C. T.
 Rodwell, B. B. H.
 Salt, T.
 Sandon, Viscount
 Selator-Booth, rt. hn. G.
 Scott, M. D.
 Scourfield, J. H.
 Sidebottom, T. H.
 Simonds, W. B.
 Smith, S. G.
 Smith, W. H.
 Smollett, P. B.
 Somerset, Lord H. R. C.
 Stanley, hon. F.
 Stanton, A. J.

Starkey, L. R.
 Stewart, M. J.
 Storer, G.
 Sturt, H. G.
 Sykes, C.
 Talbot, J. G.
 Tollemache, W. F.
 Torr, J.
 Vance, J.
 Verner, E. W.
 Wallace, Sir R.
 Walsh, hon. A.
 Watney, J.
 Welby, W. E.

Wheelhouse, W. S. J.
 Whitelaw, A.
 Whitwell, J.
 Wilmot, Sir H.
 Wilmot, Sir J. E.
 Winn, R.
 Wyndham, hon. P.
 Yarmouth, Earl of
 Yeaman, J.
 Yorke, hon. E.

TELLERS.

Anstruther, Sir W.
 Maitland, J.

PUBLIC WORSHIP FACILITIES BILL.

(*Mr. Salt, Mr. Cavley, Mr. Couper-Temple, Mr. Norwood, Sir Henry Wolf.*)

[BILL 22.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
 "That Mr. Speaker do now leave the
 Chair."—(*Mr. Salt.*)

MR. MONK said, he must protest against the Bill being proceeded with on that day, as he had been given to understand by the hon. Member who had it in charge that it would not be brought on; indeed, the hon. Member for Stafford had told him he should put it down for Friday next. He admitted that a more convenient course would have been to move the rejection of the Bill on the second reading; but he had been taken by surprise by the statement that the Bill had been so materially altered from that of last year as to induce his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) to withdraw his opposition to the second reading. He found, however, on examination, that, clause for clause, line for line, and word for word, this Bill and that of last year were identical. He thought the Bill one of a dangerous tendency. It interfered prejudicially with the parochial system of the country, and would introduce strife and animosity in half the parishes of England. It would interfere in the most unjustifiable manner with the rights both of parishioners and incumbents, and place irresponsible power in the hands of the Bishops. He looked upon it also as a great interference with the rights of patrons. It was, in fact, so mischievous in its provisions, that if the hon. Member for Stafford succeeded in carrying it, he would most effectually do the work of the Liberation Society and drive another

nail into the coffin of the Church of England. It was desirable to know what the views of the Government were on the subject, and if he met with any support from that quarter, he should take the sense of the House as to the desirability of proceeding further with the measure. He would move that the Committee be postponed for six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Monk*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BERESFORD HOPE said, he would move the adjournment of the debate. He also had been taken by surprise by the Motion of the hon. Member for Stafford to proceed with the Committee that evening. He certainly understood his hon. Friend had agreed to fix the Committee for Friday next, and had never imagined such a Motion would be made in so thin a House, and nearly at the close of the sitting. He protested against such a proceeding, and must press the Motion for adjournment.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Beresford Hope*.)

MR. SALT said, he was sorry if his hon. Friends had misundersood him. A few hurried words had certainly passed between himself and them, but he had no idea that he had pledged himself not to bring on the Bill that afternoon. On the contrary, he thought he had been most guarded in his conversation with his hon. Friends, and the impression on his mind was, that he had not definitely named any day on which he would go on with it. Last week he missed a capital opportunity for going into Committee to oblige the hon. Member for Cambridge University. Now the Bill had been placed on the Paper for the present evening not by his own action but by the ordinary Rules of the House. If, however, he had left any false impression on the minds of his hon. Friends, he apologized for it. He thought himself justified in going into Committee on the earliest opportunity;

but as the Bill was opposed, he would not go on with it now.

Motion agreed to.

Debate adjourned till To-morrow.

LOCAL GOVERNMENT BOARD (IRELAND) PROVISIONAL ORDERS CONFIRMATION BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to confirm certain Provisional Orders made by the Local Government Board for Ireland, relating to the township of Kingstown and the town of Galway, ordered to be brought in by Sir MICHAEL HICKS-BEACH and MR. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 81.]

IMPRISONMENT FOR DEBT BILL.

On Motion of Sir EARDLEY WILMOT, Bill to prevent Imprisonment for Debt on mesne process in civil actions in certain cases, ordered to be brought in by Sir EARDLEY WILMOT and MR. STAVELEY HILL.

Bill presented, and read the first time. [Bill 80.]

METROPOLIS GAS COMPANIES BILL.

On Motion of Sir JAMES HOGG, Bill to amend "The Metropolis Gas Act, 1860;" to make further provision for regulating the supply of Gas within the limits of the said Act; and for other purposes relating thereto, ordered to be brought in by Sir JAMES HOGG, Sir ANDREW LUSK, MR. GOLDNEY, and MR. JOHN HOLMS.

Bill presented, and read the first time. [Bill 82.]

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 4th March, 1875.

MINUTES.] — PUBLIC BILLS — Committee — Supreme Court of Judicature Act (1873) Amendment (10-29).

Third Reading—Elementary Education Provisional Orders Confirmation (Caister, &c.)* (14).

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL.—(Nos. 10-29.)

(*The Lord President.*)

COMMITTEE.

Order for Committee read.

THE DUKE OF BUCCLEUCH, who had given Notice to move to insert a clause which would in effect restore to that House the appellate jurisdiction of which it was deprived by the Act of 1873, said, he thought that this would be a convenient time to announce to

their Lordships that on mature consideration he thought it would be, perhaps, better to postpone till a future stage the Amendment of which he had given Notice. That future stage, the Report, was not likely to come on until after Easter, and he should reserve his arguments in favour of his Amendment until the Report, when he would propose an Amendment not perhaps in exactly similar terms, but to the same effect, as that of which he had given Notice.

LORD PENZANCE said, that the Amendment of which he had given Notice was only to be moved in the event of the Amendment of the noble Duke being agreed to by their Lordships. If the noble Duke's Amendment was carried on the Report, he should move his Amendment in substantially the same form as it now stood on the Notice Paper.

LORD REDESDALE hoped it would be understood that this postponement meant nothing in the way of an abandonment of the opposition to the taking away their Lordships appellate jurisdiction on the part of either the noble Duke or himself. On the contrary, there was a great change in public opinion on the subject, and he thought the delay was desirable in order that the change might be more strongly developed in favour of retaining that jurisdiction.

House in Committee accordingly.

Amendments made: The Report thereof to be received on the *first Thursday after the recess at Easter*; and Bill to be *printed*, as amended. (No. 29.)

House adjourned at half past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 4th March, 1875.

MINUTES.]—SELECT COMMITTEE—Acts of Parliament, *appointed*.

PUBLIC BILLS—*Ordered—First Reading*—Dover Pier and Harbour * [84]; Convention (Ireland) Act Repeal * [85].

Committee—Regimental Exchanges [3]—*R.P.*

Committee—*Report*—Adulteration of Food and Drugs * [62-83].

Third Reading—Police Magistrates (Salaries) * [75], and *passed*.

The Duke of Buccleuch

POST OFFICE—TELEGRAPHIC SERVICE (SCOTLAND).—QUESTION.

MR. MARK STEWART asked the Postmaster General, Whether his attention has been called to the desirability of establishing telegraphic communication between New Galloway and Dalmellington; and, if such is the case, what decision, if any, has been arrived at on the subject?

LORD JOHN MANNERS, in reply, said, that the Government had had under consideration a proposal to establish such a telegraphic communication, but that they did not think the results of the undertaking would justify the outlay which would be required to carry it out.

INCLOSURE OF WASTE LANDS—LEGISLATION.—QUESTION.

MR. WALSH asked the Secretary of State for the Home Department, Whether it is his intention, this Session, to introduce a measure to amend the Law of Inclosure of Waste Lands?

MR. ASSHETON CROSS, in reply, said, that the subject had been under the consideration of the Government, but that it would depend on the state of Public Business whether he could introduce a measure respecting it this Session. The matter would not be lost sight of.

INDIA—THE BENGAL FAMINE.

QUESTION.

MR. T. E. SMITH asked the Under Secretary of State for India, Whether he will, at the earliest possible date, lay upon the Table of the House the Reports on the Indian Famine, with the Viceroy's Minute, with a view to their being printed and circulated?

LORD GEORGE HAMILTON: Sir, all the despatches on the subject of the recent famine in Bengal are in the Library of this House. The date of the last despatch was the 9th of October, 1874, and a final Report was then promised, which has not yet arrived. We have learnt from a recent telegram that the Famine Reports and the Viceroy's Minute thereon have been published in India. When we receive these documents they shall be laid upon the Table of the House.

NAVY—ROYAL NAVAL RESERVE—THE REGULATIONS.—QUESTION.

MR. GOSCHEN asked the First Lord of the Admiralty, Whether, during the past year any new regulations have been issued with respect to the Second Class Naval Reserve; and, if so, whether he will state their purport; and, whether he will lay upon the Table of the House the present regulations of the Royal Naval Reserve?

MR. HUNT, in reply, said, that no new Regulations had been issued during the past year, but some of the existing Regulations were now under revision; and as soon as the proposed alterations had been settled, the new or modified Regulations would be laid upon the Table.

AMENDMENT OF THE LABOUR LAWS—LEGISLATION.—QUESTION.

MR. COWEN asked the Secretary of State for the Home Department, If it is the intention of the Government to introduce a Bill this Session, to amend the Criminal Law Amendment Act, the Master and Servants Act, and the Law with respect to Conspiracy?

MR. ASSHETON CROSS: Yes, it is the intention of the Government to deal with this Question in the present Session.

EMPLOYMENT OF CHIMNEY SWEEPERS ACTS—CLIMBING-BOYS AT LIMERICK.—QUESTION.

COLONEL CORBETT asked the Chief Secretary for Ireland, Whether his attention has been called to a letter in "The Standard" newspaper of the 27th of February, wherein it is stated that all the chimneys in Limerick are swept by climbing boys; and whether any steps can be taken to ascertain the truth of that statement, and, if found to be true, of putting a stop to the practice?

SIR MICHAEL HICKS-BEACH, in reply, said, that his attention was first called to the letter by the Notice of his hon. and gallant Friend. The statement it contained was considerably exaggerated. From inquiries he had made, however, he had reason to believe that the law prohibiting the employment of boys in chimneys was evaded to a considerable extent in Limerick, and he had directed the Constabulary to put a stop

to the practice. The Mayor and magistrates of Limerick had been communicated with on the subject.

NAVY—PROMOTION IN THE MARINE CORPS.—QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If his attention has been called to a letter in the "Army and Navy Gazette," in which it is stated—

"That the last two officers of Marines who were promoted from Captain to Lieutenant Colonel had each to pay several hundreds of pounds to purchase out the officers by whose retirement they gained their promotion, these not having the slightest intention of going unless they had been bought out, and that these facts are as well known at the Marine Office as on the Marine Parades;"

whether it be the fact that the Captain recently promoted would have reached compulsory retirement in about a month, whereas his promotion gives him six years' longer service; whether it be the fact that the Lieutenant Colonel whose retirement made room for the above promotion did not need to retire for about one and a half years; whether, in the inquiries which have been made, these officers have been required to make declaration on their honour that no inducement was held out to cause the Lieutenant Colonel to retire so long before his time; and, whether in these inquiries the two officers at the head of the Marine Office were asked to declare on their honour that they have no knowledge, officially or otherwise, in this or in any previous case, of the practice of paying officers to retire, and thus depriving the force generally of part of that promotion which the retiring scheme of the late Government was intended to secure?

MR. HUNT: Sir, since the Question of the hon. Member was placed on the Paper I have seen the anonymous letter to which he refers. With regard to the second and third Questions I find that he is correct with regard to the period of the compulsory retirement of the two officers alluded to, and as to the promotion of a captain enabling him to continue in the service. I have not called upon those officers, nor those at the head of the Marine Office, to make any declarations on their honour. There is no regulation in force forbidding Marine officers to offer pecuniary inducements to their seniors to retire, there having been no knowledge at the Admiralty of the

existence of such a practice. I think it right, however, there should be such a regulation, and I propose to issue one.

CRIMINAL LAW—COUNTRESS OF
DUDLEY'S JEWELS.

QUESTION.

MR. CHARLES LEWIS asked the Secretary of State for the Home Department, If he is aware whether the statement is true that the valuable jewel case belonging to a lady of rank, stolen at a Railway station some time since, has been recovered by means of a large pecuniary payment; whether the assistance of the Metropolitan Police was used in effecting such recovery; whether his attention has been called to the various advertisements and notices, issued in the name of the owner's husband, offering large pecuniary inducements for the return of the property; and, whether, in his opinion, such notices are not contrary to Law, as containing offers to compromise a felony?

MR. ASSHETON CROSS: Sir, with regard to the first and second Questions of my hon. Friend, I would state that all that the police know about the matter is, that on the day of the robbery information was sent to them from the railway station to Scotland Yard; that Lord Dudley was seen the same night, and the servant who had charge of the jewel box the next day. No further communication has taken place between Lord Dudley and the police upon the question. The usual advertisement in the ordinary form was issued by the police. Whether Lord Dudley's jewels have been found I am not at the present moment in the least aware; but if they have the police have not assisted in their recovery, and have no information whatever upon the subject. My attention has been called to certain advertisements that have been issued, and I understand that there is some dispute as to the facts relating to these advertisements. I hope the House will think that I am right in declining to express any opinion as to what the law is upon the subject, especially since it is a matter which I understand is likely to be brought before a Court of Law, or to apply that law to a state of facts about which I really know nothing at all, and have no official means of obtaining knowledge.

Mr. Hunt

UNITED STATES—PHILADELPHIA INTERNATIONAL EXHIBITION.

QUESTION.

MR. NEVILLE-GRENVILLE asked Mr. Chancellor of the Exchequer, Whether he anticipates Parliament being called upon to contribute towards the Philadelphia International Exhibition, the London Exhibitions of 1851 and 1862 having been successfully carried out at no cost to the Exchequer?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the hon. Member suggested in his Question a comparison between the International Exhibitions held in this country and those held in foreign countries. That comparison did not exactly hold good, because the Exhibitions held in this country were, in fact, supported by the fees received for admissions, and no expense was thrown upon the Government. The two great Exhibitions held in London were conducted by the support of guarantees on the part of private individuals, and the expenses were recouped, or nearly so, by the payment of fees at the door. With regard to the Exhibitions held in foreign countries no such means of providing against the expense existed, and it had been the practice for the respective Governments associated with those Exhibitions to provide the necessary sums to meet those expenses. In the case of the Paris Exhibition of 1855 a sum of £50,000 was voted by Parliament, and in that of 1867 the sum of £116,000. For the Vienna Exhibition of 1873 Parliament only provided £28,760; but this sum was supplemented by very munificent contributions on the part of Sir Anthony Rothschild, and the hon. Baronet the Member for Lisburn (Sir Richard Wallace), amounting to £14,000. A good deal had also been contributed in this way by other countries; Germany, for instance, giving £150,000 to the Vienna Exhibition; and, he believed, grants were about to be made by different countries to the Exhibition at Philadelphia. When the present Government came into office they found that a question of contributing to the proposed Philadelphia Exhibition had been entertained by their predecessors, but not decided upon. Looking at the practice on former occasions, the Government thought it would be only right that they should do the same with re-

gard to the proposed Exhibition in the United States as had been done in other cases, and therefore a Vote would be submitted to the House for a contribution in support of the Philadelphia Exhibition. But Her Majesty's Government were of opinion that this was a sort of system of which it might be possible to have too much. They did not think it would be desirable without notice to put an end to it. They wished, however, to express their own opinion as to whether the present would not be a good opportunity for closing the era of contributions in support of the expenses of Exhibitions in foreign countries, and probably this would be the last occasion on which such a Vote would be submitted by the Government to the House.

INTERMEDIATE EDUCATION (IRELAND.)—QUESTION.

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, If it is the intention of Her Majesty's Government to introduce any measure on the subject of intermediate education in Ireland during the present Session?

SIR MICHAEL HICKS-BEACH, in reply, said, that, looking at the great importance of the subject alluded to in the Question of the hon. Gentleman, he thought it necessary that before any proposal was submitted to Parliament in relation to it the matter should be thoroughly considered by the Government in all its bearings. The hon. Member would scarcely be surprised, therefore, to learn that the Government would not be prepared to introduce any measure in reference to the question during the present Session.

METROPOLITAN BOARD OF WORKS— ANNUAL STATEMENT OF LIABILITIES.

QUESTION.

LORD EDMOND FITZMAURICE asked the Secretary to the Treasury, If he will inform the House if, owing to the large amount of the debt incurred by the Metropolitan Board of Works, any steps have been recently taken to induce the Board to prepare and present annually to Parliament a statement of its liabilities; and if, in the event of a refusal on its part to do so, he intends to take any further steps on the subject?

MR. W. H. SMITH, in reply, said, the accounts of the Metropolitan Board of Works were presented annually to Parliament, showing in a complete form the existing liabilities. There had recently been a correspondence between the Board and the Treasury with reference to further borrowing powers, which the Board desired to obtain. There would be no objection to lay the correspondence on the Table of the House if the noble Lord would move for it.

ARTIZANS DWELLINGS BILL—EXTENSION TO SCOTLAND.—QUESTION.

MR. J. W. BARCLAY asked the Secretary of State for the Home Department, Whether he intends to extend the Artizans Dwellings Bill to Scotland; and, if so, when he expects to submit the Clauses specially applicable to Scotland?

MR. ASSHETON CROSS, in reply, said, that it was his intention to extend the provisions of the Bill to Scotland, and the necessary alterations had been framed for the purpose. He thought, however, that it would be best to allow the Bill in its present form to pass through Committee, and then to introduce a fresh Bill applying the same provisions to Scotland.

In reply to MR. CAWLEY,

MR. ASSHETON CROSS said, he would put down the next stage of the Bill for Monday next; and if, on that day, he saw no reasonable hope of bringing it on at an early hour, he would name another day for its consideration.

NAVY STORES—PRISON LABOUR.

QUESTION.

COLONEL BERESFORD asked the First Lord of the Admiralty, Whether some of the stores for which tenders were invited in the newspapers of February 25th last, including amongst other articles 3,100 yards of cocoa matting, 600 cocoa mats, and over 158,000 brushes and brooms of various kinds, could not be obtained direct from the several Government or other prisons at less cost than that paid to dealers, who buy such-named articles from the prison authorities and sell them to the Government at a profit?

MR. HUNT: Sir, the supply of stores for the use of the Navy from the convict prisons has been the subject of communi-

cation between the Home Office and the Admiralty, and is still under consideration.

MEDICAL ACT, 1858—EFFICIENCY OF MEDICAL PRACTITIONERS.

QUESTION.

MR. A. MILLS asked the Vice President of the Council, Whether, under the authority conferred by "The Medical Act, 1858," (21 and 22 Vic. c. 90), it is in the power of the Privy Council to establish one uniform test of efficiency for all medical practitioners in the United Kingdom; or, whether further legislation would be required in order to effect that object?

VISCOUNT SANDON: Sir, in reply to the Question of my hon. Friend, I beg to state that the Privy Council has not the power of enforcing a uniform test. But it may, if set in motion by the General Council of Medical Education, take measures for securing that none of the existing bodies empowered to grant certificates shall do so without securing a proper standard among the candidates, by the process of refusing registration to the candidates certificated by any examining body in default.

MONASTIC AND CONVENTUAL INSTITUTIONS.—QUESTION.

MR. NEWDEGATE asked the Under Secretary of State for Foreign Affairs, When the documents and translations relating to the Laws of Foreign States with respect to Monastic and Conventual Institutions will be in the hands of the Members of this House?

MR. BOURKE, in reply, said, the Papers he had received would be laid on the Table that evening. He hoped they would be in the hands of hon. Members to-morrow or on Saturday.

ADULTERATION OF FOOD ACT—ADULTERATION OF BEER.—QUESTION.

MR. PEMBERTON asked the President of the Local Government Board, Whether it is the intention of the Government to introduce in the Adulteration of Food Act any special provision with respect to the adulteration of beer?

MR. SCLATER-BOOTH: Sir, in answering this Question, I may take the opportunity of stating that I propose to go into Committee on the Adulteration Bill this evening *pro forma*, in order to

introduce Amendments, and the Bill will then be re-printed. I think my hon. Friend will find that the Bill provides everything as regards beer that was provided in the adulteration clauses of the Licensing Act of 1872. Those clauses were omitted from the Act of last Session, to the satisfaction of all parties, in order that the subject might be dealt with, not by special legislation, but under the general law. It is not, therefore, intended to introduce any special provisions applicable to beer into the new Bill, but the language of one of the clauses will be so extended as to secure that a compounded article of food shall be supplied in accordance with the demand of the purchaser.

PROPOSED LIGHTHOUSE ON BURY HEAD.—QUESTION.

SIR LAWRENCE PALK asked the President of the Board of Trade, If he is prepared to give an answer to the petition of Memorialists, presented to him last Session, praying that a Lighthouse should be placed on Bury Head?

SIR CHARLES ADDERLEY: Sir, the answer sent by the Board of Trade to the memorialists was that their request would be referred to the Trinity House, who are the proper lighthouse authorities, and without whose concurrence no lighthouse can be erected. The Elder Brethren have answered that they are of opinion that a lighthouse on Bury Head must be looked upon strictly as a local light and of no advantage to the passing trade, though it might be useful as a guide, under certain circumstances, into Torbay.

SANITARY LAWS—UNFIT HOUSES.

QUESTION.

SIR LAWRENCE PALK asked the President of the Local Government Board, If the power to prevent the use of houses which, from their contiguity to other houses or from structural defect or other causes, are unfit for purposes of habitation, rests with the Board; and, whether the Board have the power to compel local boards of health and urban sanitary authorities to provide proper hospitals for contagious diseases?

MR. SCLATER-BOOTH: Sir, there are several provisions of law applicable to houses unfit for habitation, but it rests with the local authority, and not

Mr. Hunt

with the Local Government Board, to enforce them. As to the second Question of the hon. Baronet, it is within the discretion of local authorities to provide hospitals for contagious diseases, but the Local Government Board has no power to compel them to do so.

THE EXPEDITION FROM BURMAH TO CHINA.—QUESTION.

MR. W. C. CARTWRIGHT asked the Under Secretary of State for India, Whether there is any foundation for the report that the expedition which had been sent out with a view to opening up a mail route from India to China had been encountered by Chinese forces?

LORD GEORGE HAMILTON: I regret, Sir, to state that a telegram received yesterday at the India Office informed us that the expedition alluded to by the hon. Gentleman was attacked on the 22nd of February by several hundred Chinese and by a large number of the hill frontier tribes at a place called Manwine, in Chinese territory. The main body of the expedition escaped with a loss of three wounded; but I am afraid they have lost the greater part—if not the whole—of their baggage. I regret to add that Mr. Margary, a distinguished consular officer, who joined the expedition at Bhamo, having made his way overland from Peking, was, with five Chinese servants, surrounded and killed.

PRIVILEGE—DR. KENEALY—REFLECTIONS ON A MEMBER OF THIS HOUSE. OBSERVATIONS.

DR. KENEALY: I rise, Sir, to ask the hon. and learned Member for Poole (Mr. Evelyn Ashley) a Question of which I have given him Notice—and, having seen the hon. and learned Gentleman in the House, I presume he is in his place. I have read in a newspaper called *The Isle of Wight Observer*, of the 27th February, a report of a speech purporting to have been made by the hon. and learned Gentleman, which report I shall now read to the House. It is as follows:—

"The Hon. Evelyn Ashley said they might hear, perhaps, among their Conservative friends a moral drawn from a notable election which had recently attracted considerable attention—that for Stoke-on-Trent. (*Applause.*) He had no doubt a great deal might be said to them about that, but he would only give them one

answer, which was that it was the Conservative Party and not the Liberal Party which swamped the constituencies by the Reform Bill which brought in such a large body of the residuum. (*Hear, hear.*) The whole history of that election in his opinion was this:—Three candidates went down, and the man with the glib tongue got in. (*Laughter.*) The fact was that where they had a very large working-class constituency they must no longer trust to the old party points, but they must, if there were a man with a ready tongue to tell his own story, take care that somebody else came down on the other side who could tell the other story. (*Applause.*) The history of the Stoke election was simply this, that the working men of Stoke only heard one side of the question, and therefore he did not blame them for what they did. He blamed those who had the management of the election, and who did not take care that the gentlemen who opposed Dr. Kenealy were men who had the power and the will to come forward on the platform and state their own side of the question. Had that been the case Dr. Kenealy would not have been a member of Parliament. He was sorry for this, because Dr. Kenealy was where he was not fit to be. (*Hisses.*) He did think the man who put a witness in the box whom he knew to be a false witness was not fit to be there. (*Hisses, and a Voice.* 'How about the Pittendreich forgeries?') Well, he thought it best to go to another subject."

I wish to ask the hon. and learned Member for Poole whether that report is substantially correct.

MR. EVELYN ASHLEY: I wish to begin by correcting the hon. and learned Member for Stoke in what he has said about giving Notice of the report to which he has called attention. He has done no such thing. I have now for the first time heard that report read by him from a newspaper. The only notice that I have received is, "I am desired by Dr. Kenealy to say that he will bring before the House on Wednesday your speech as reported in *The Isle of Wight Observer* of the 27th of February, 1875." But I do not complain of this—because a man ought always to be ready at a moment's notice to answer for anything he may have said in public. Before I proceed any further—and what I say shall be a very few words—I wish to express to the House my very deep regret that anything that I may have unwittingly done has brought on them the annoyance, at the beginning of this Session, of another personal explanation. I can assure the House that nothing I can do shall be wanting to make the solution of this difficulty—if there has been any breach of Parliamentary privilege, of any Rule easy to the House, I shall or put myself entirely at the disposal of the House and at its order. In answering

the Question put to me, I say that that report, as read by the hon. Member, is virtually correct. But I must claim the indulgence of the House for a few minutes, while I tell them the circumstances under which the speech in question was delivered, and the exact words I used, so far as my memory serves me—

DR. KENEALY: I rise to Order. I apprehend, Mr. Speaker, that the hon. and learned Gentleman is not entitled to discuss a Question. I intend to conclude with a Motion, and upon the discussion of that Motion the hon. and learned Gentleman will have a full opportunity of giving his explanation. The only matter before the House, I submit, is one of Question and Answer.

MR. SPEAKER: As the House is aware, the House is specially indulgent in a matter of personal explanation. The hon. Member for Poole is now entering into a personal explanation of the words attributed to him in the Question of the hon. and learned Member for Stoke, and is perfectly in Order.

MR. EVELYN ASHLEY: It was impossible for me to answer the hon. Member for Stoke Yes or No. It was absolutely necessary for me, if I answered the Question to which he desired answer, to request the indulgence of the House while I briefly recounted what I did say and what really occurred. I was attending an anniversary dinner of the Liberal Working Men's Association at Ryde, and among other topics I alluded to the Stoke election, and I virtually did say, so far as I can remember, almost exactly what the newspaper report attributes to me. When I came to the point when I said, "If the working men at Stoke had heard both sides of the question, I venture to believe the result would have been different," strong expressions came from a small lot of persons to my right. I turned round to this small lot, and with some indignation I said these words—not the words reported in the newspaper—"What! do you think that man would make a good representative who is Editor of *The Englishman* and who put a false witness into the box?" I own that I said these words hastily, but I said them on the spur of the occasion, and not without a certain underlying feeling and conviction that it is necessary in these days to speak out the truth now and

then, even at the risk of encountering annoyance and trouble afterwards. Well, as to the first part of that assertion, I suppose it has a basis broad enough to support it, and that the hon. and learned Member will not rise in his place and deny that he is Editor of *The Englishman*. As to the second part, I would merely say this—that the hon. Member has only himself to blame, if the opinion I expressed was the opinion which I had formed. I wish to say no more about it than this—that I was not speaking from mere hear-say or from the talk of the streets and newspapers, but from what had come under my own personal observation. As a member of the Oxford Circuit, I was present at a meeting of its members on whom devolved the painful task of deciding whether the hon. Member should be removed from the list of the bar mess; and the hon. Member did not appear at that meeting to give any explanation of points which demanded explanation. But, after all, the question before us today, and the question on which I submit myself to the House is, whether I was justified or not in speaking as I did. I assure the House that I shall be ready to make any reparation which is in my power if I have exceeded the privileges of Parliament. But I venture to ask the House, before they proceed to decide upon this question and, so to speak, to pronounce sentence upon me, to remember that one of the most admired maxims of our Courts of Equity is that he who comes to seek redress must come with clean hands. Will it be said in the High Court of Parliament, which is more abundant in its remedies than the High Court of Chancery, that it does not signify in what condition the hands are that are extended to claim protection and redress? I humbly submit to your decision. I can only state that in what I did say I spoke with no personal feeling, for I have never been in collision with the hon. Member for Stoke, but merely from a keen sense and jealousy of the dignity of the House, which, though a young Member, I have learned is a desirable quality. I am ready to bow to the decision of the House, and to make any retraction and any apology I am called upon to do.

DR. KENEALY: I will not discuss this matter now, but I will give Notice that on Friday next—that is, to-morrow

Mr. Evelyn Ashley

—I will call the attention of the House to the speech of the hon. Member for Poole as reported in *The Isle of Wight Observer* of February 27, 1875. With reference to the hon. Member's complaint that I did not give him notice, I submit that the letter which he read was notice.

Mr. LOWE: As I understand—

Mr. SPEAKER: I wish to point out that there is no Question before the House. The hon. Member for Stoke has given Notice that he will bring this matter under the consideration of the House to-morrow. That being so, there is no Question before the House.

Mr. LOWE: I intended to point out that this is a Question of Privilege, and the question is whether the hon. Member can in this manner, at his own will, adjourn a question of Privilege. We give precedence to a question of Privilege in order that it may be at once heard and decided. After having heard an answer to his Question, the hon. Member for Stoke does not make a speech, but informs the House he will adjourn the question of Privilege till to-morrow. Is that a course which the House will approve? If I am at liberty to discuss the question whether this is a breach of Privilege, I am ready to do so.

Mr. SPEAKER: The right hon. Gentleman will place himself in Order if he concludes with a Motion. [*Cries of "Move."*]

Mr. LOWE: I move that the House do adjourn. I do not wish to say a word on the question at issue between the hon. Member for Stoke and the hon. Member for Poole. What I want to point out—because I feel it very strongly—and the more I think of it the more I am afraid that we are gradually embarking in a very dangerous course. The matter has grown upon me by degrees. I cannot say I saw it when the mischief first began; but I think it my duty, as I have a very strong opinion on the matter, to lay the opinion I have formed before the House. There is no doubt about our Rules and Orders with regard to debate. We have a Rule that no Member shall be guilty of indecorum or use language offensive to another Member. If a Member uses such language, that language may be taken down, he may be censured, and the House may do what it thinks proper. That is evidently a Rule strictly limited to the order and decorum of our debates

in this House. It is evidently pointed at our order and procedure. We do not inquire in such a case whether the statement is true or otherwise. The whole object contemplated in that Rule is simply the order and decorum of our proceedings. If a Gentleman makes use of offensive or unbecoming language—although what he says may be perfectly true, he nevertheless infringes the Rule, and makes himself properly liable to the censure of the House. What appears to me to have happened and to be happening is this—this Rule which, within certain limits, seems perfectly wise and correct, we are now gradually and almost imperceptibly extending, and the House is making a most injurious and galling instrument of oppression for itself. Take as an illustration of what happened a few days ago in the case of the hon. and learned Member for Frome. He was called to account for language spoken by him five months ago, and his language was read from a newspaper. That having been done, we glided somehow or other almost imperceptibly into a course of proceeding which we should have adopted had that hon. Gentleman made use in this House, in the course of debate, of the language he was charged with having made. That is to say, we were guilty of the anomaly—if not the absurdity—of having language "taken down" which was read to us out of a printed newspaper, as if it had been used in this House. That process was meant to be applied only in the heat of debate, when language may have been used, in order to prevent controversy afterwards arising as to what had really been said. Happily, in that case, the hon. and learned Gentleman made an apology, and nothing more was done on that point; but I cannot help feeling that that was the beginning of something which, if we go on, will become very serious indeed. To allow Members to feel themselves aggrieved by language used outside the House, in public meetings or otherwise, to come to this House and interrupt our proceedings, and to call upon the House to treat as a sort of criminal the person against whom they bring their charges, will in my opinion be a most dangerous innovation. I say an "innovation," because, having taken the trouble to look into the precedents, I am unable to find any precedent of a

Member of Parliament being brought up for a breach of Privilege before the House for any statement he had made at a public meeting against another Member of Parliament, with a single exception. There was the case of Mr. O'Connell, who stated that an Election Committee, which was a body appointed by the House, with high judicial functions, had grossly perjured itself. The matter was brought before the House, and the House held—as I think most properly and justly—that that was language which could not be tolerated, and Mr. O'Connell was publicly reprehended by the Speaker. But that is no authority whatever for a Motion like this made to-day. There is a wide difference between the two cases, as the House will see. The hon. and learned Member for Poole charged the hon. Member for Stoke with having done something not in his capacity of Member of this House, but in another capacity. There is no occasion for the interference of this House. It is a matter of slander. The hon. Member for Stoke is charged, no doubt, with an indictable offence; but if he wants redress, he can seek it in a Court of Law. The hon. and learned Member for Poole will then be able to plead justification; whereas, if the charge is brought before this House as a matter of Privilege, we cannot go into the question of its truth—we can only look at the question whether it was proper for the hon. and learned Member for Poole to speak in such a manner of a Member of this House. Thus the merits of the question will be entirely put aside, and we shall have to adjudicate on an issue without having any means of information. Another thing I would point out. If we do not stop short in the course upon which we are entering, another result will be that, whereas every other man in the Kingdom will be at liberty to discuss with perfect freedom the words and the conduct of Members of Parliament, Members of Parliament themselves will be the only persons unable to do so. They will be placed under restrictions under which none of the rest of Her Majesty's subjects lie. Therefore, I do earnestly entreat the House to watch these proceedings, by which matters which are not matters of Privilege are sought to be dealt with as matters of Privilege, by which our proceedings are interrupted and irregulari-

Mr. Lowe

ties introduced, and by which hon. Gentlemen gain the power of forcing themselves on the attention of the House without going through the form of giving Notice, which all other persons are subject to. I beg the House to consider these things carefully, and think whether they ought not rather to draw back than to go forward in the course they are pursuing; that they will come to the conclusion that if persons do speak of Members of Parliament in a manner which is disagreeable to them at a public meeting out of this House, and having no connection with this House, we will not throw our sword into the scale, but will leave the Members of Parliament who are spoken against to do what they ought to be well able to do—to fight their own battles. I am conscious of having taken very little part in discussions respecting the Rules and Privileges of this House, and it may be that I may have been guilty of some presumption in interfering on the present occasion. It appears to me, however, so clear that we are entering upon a perilous course, and that this is a matter that requires watching, that I could not rest satisfied without laying my views before the House. There can be no objection, if an hon. Member feels aggrieved with anything which may have been said against him, that he may offer a personal explanation to the House. There was no objection to this in the case of Sir James Graham, when charges were brought against him by Mr. Ferrand. Sir James Graham brought the question before the House, a long debate ensued, and Mr. Ferrand was censured; but the affair was not treated as a matter of Privilege. That is the distinction. The House should always be ready to hear complaints from its Members, but it ought not to permit matters that are really not matters of Privilege to be foisted upon it under the all-atoning name of Privilege, and thus interrupt the order and regularity of our proceedings. I beg, Sir, to move the Adjournment of the House.

Motion made, and Question proposed,
 “That this House do now adjourn.”
 —(*Mr. Lowe.*)

MR. DISRAELI: It is well, Mr. Speaker, that the House should remember that it is in the power of the House to decide what is Privilege; and al-

though we do always listen with respect to any opinion which may be expressed from the Chairs, still that is a function which this House never must give up. With regard to the question which is before us, it appears to me that it would be convenient for the House to decide that question at once. We have already had two discussions on personal complaints, and it is intolerable that we should have another. Personal attacks are not necessarily questions of Privilege. To make it a question of Privilege a personal attack must be made in this House, or it must be made against a Member of this House in his capacity as a Member of this House. Now, the question which was raised the other night with regard to my hon. and learned Friend the Member for Frome (Mr. Lopes) was one which I felt at the time was to a certain degree strained; still it was founded on a principle. An hon. Member opposite complained that the conduct of himself and of other Members of this House had been attacked out of this House, and that they had been held up to public reprobation for their conduct as Members of Parliament. I expressed my own personal feeling on the subject. I said at the time I thought the matter was not of that significance that it need have been noticed, but that it afforded some foundation for an appeal to the House and the Chair. Indeed, as long as the precedent of the O'Connell case is on our Journals, it is impossible to say there was no element of Privilege introduced into the question with reference to the hon. and learned Member for Frome. But in the present case I do not find even the shadow of Privilege. The hon. and learned Member for Stoke comes forward and says he has been accused, outside the House, of conduct which certainly is as disgraceful conduct as can well be conceived. But the words were not spoken in the House of Commons, nor at that moment was the hon. Member for Stoke a Member of the House of Commons. Therefore, I think it is very clear that the course which the hon. Member for Stoke should take, if he be suffering under this criticism and these allusions, is to appeal to those Courts of Law with which he is so intimately acquainted. In a book of authority with which we are all familiar, I find the principle well laid down. In this

work on *The Law and Usage of Parliament* it is written:—

“Libels upon members have also been constantly punished: but to constitute a breach of privilege they must concern the character or conduct of members in that capacity. Aspersions upon the conduct of members as magistrates, or officers in the army or navy, or in private life, are within the cognizance of the courts, and are not fit subjects for complaints to the House of Commons.”

Sir, under these circumstances, my opinion is that we ought to make some Motion which would show the feeling of the House upon this subject. If the right hon. Gentleman opposite will withdraw the Motion for Adjournment I will propose a simple one which I think would express that feeling. I shall move that having heard the charge and the defence we do now proceed to consider the Order of the Day.

DR. KENEALY: Sir, I cannot disguise from myself the fact that this House is now inclined to act rather upon feeling than upon justice. [“No, no!”] I state this without having any desire to wound the feelings of any hon. Gentleman. With the highest respect for this great Assembly—which I shall always treat with the deference it deserves—I respectfully ask from the House a hearing of the reasons why I think the present Motion is not a Motion which ought to be pressed, and why I ought not to be deprived of the Privilege appertaining to Members of the House ever since the law of Breach of Privilege was known. The hon. Gentleman the Member for Poole substantially admits the correctness of the report. He denies it, however, in some very material particulars. The right hon. Gentleman the Member for the University of London (Mr. Lowe) says the issue between him and me cannot be tried here. I respectfully controvert that position. It is perfectly competent for the House to inquire whether the version of the speech published in the newspaper or whether the hon. Member's version of it now is a correct one—for there is a most material difference between the two. In the newspaper report, which the hon. Gentleman never contradicted or set right, he distinctly charges me with conduct unworthy of a gentleman—unworthy of a man who represents as intelligent a constituency as there is in England, and who is proud to represent that constituency. He represents me as wilfully and knowingly

putting into the witness-box a witness whom I knew to be false. That is his speech. To-day he alters it, and says I put in the box a witness who was false. There is a material and a vital difference between the two statements. The most honourable man at the Bar might unwittingly put in the box a witness who was false. But the hon. and learned Member for Poole, at a time when every newspaper in the country was fulminating anathemas against me, said I put a man into the box knowing him to be a false witness; and the right hon. Gentleman the Member for the University of London thinks it right and honourable to tell you—what he would not have told you if he had been well acquainted with Parliamentary history—that we have not the means of trying that fact here. We have the means, and I ask the House to grant me the means. The hon. Member for Poole puts into his speech, as he now delivers it, something about *The Englishman*. Well—when anyone who has a right to do so questions me about *The Englishman* he shall get his answer. The hon. Member for Poole has never been mentioned in its columns, and he has no right either here or anywhere else to question me about *The Englishman*. Let any man who has been mentioned in that paper question me and I will answer him. And now I come to the speech of the right hon. Member for the London University. I have followed exactly the precedent in the O'Connell Case. Lord Maidstone asked in his place whether the report of Mr. O'Connell's Dublin speech was substantially true or not;—he said it was;—and Lord Maidstone then did what I have done—gave Notice, in almost the same terms as I have used, that he should bring the matter before the House. The right hon. Gentleman (Mr. Lowe) says my conduct is without precedent. I can only say, then, that his reading in Parliamentary and Constitutional history is not as extensive as I imagined it was. The right hon. Gentleman tells us that if Motions of this kind are to be allowed, the matter will become serious. Sir, it is a most serious matter already—and cannot be more serious than it is—that any hon. Member of this House should get up in a public meeting, called by himself or his friends, and dare to denounce the conduct of another hon. Member as un-

gentlemanly, dishonourable, and disgraceful. That is what has become serious; and if we wish to preserve inviolate the character and honour of this House we must put down with a strong hand what I will venture to call a system of American rowdyism. A few nights ago we heard that an hon. and learned Gentleman had charged a body of Irish Members with dishonourable conduct. Now the hon. and learned Member (Mr. E. Ashley) ventures to charge me with dishonourable conduct. This is a most serious matter, and I am perfectly astounded at the strange obliquity of vision which prevents the right hon. Gentleman (Mr. Lowe) from seeing the thing in this light. He has addressed to the House an *ad captandum* argument—that this Motion of mine is calculated to interrupt our Business. Sir, I say it is a most proper interruption of Business; because life in the House of Commons will become intolerable if one Member is entitled to assail the private or professional character of another Member on public platforms without being amenable to the censure of the House; thus putting the libelled and slandered man, who has given him no provocation, to the necessity of going to the Courts of Law for redress. I was sorry to hear the First Lord of the Treasury make an allusion to me in reference to these Courts of Law. As he challenges me, I will tell him that I have no respect for our Courts of Law, and will never seek a remedy in one. If the right hon. Gentleman knew as much about these Courts as I do, probably he would not recommend any man to seek justice there. I think, too, such a recommendation came with exceeding bad grace from the First Lord of the Treasury, because his avocations during the greater portion of his life have been dedicated chiefly to poetic fiction and romantic fable. ["Order!"] If I am out of Order, and you, Sir, so decide, I will bow with humble deference to your decision; but I entirely dissent from the notion that any private Member is to call me to Order unless backed by you, Sir. The right hon. Gentleman (Mr. Lowe) has thought fit to call this a dangerous innovation. I respectfully dissent from that opinion. It is not an innovation. It is simply asking this House to do what it has never hitherto refused to do—resent attacks made upon one of its Members

Dr. Kenealy

in his Parliamentary capacity. I believe the First Lord of the Treasury is entirely mistaken in the construction he has put on the passage of Sir Erskine May's book. I shall read the passage to show he is entirely wrong. The right hon. Gentleman the Member for London University says—and it seems to me a sophism unworthy to be presented here—that every man, according to constitutional practice, is entitled to discuss the conduct of a Member of Parliament, and that it would be a hard thing if a Member of Parliament were alone precluded from exercising the right. Whoever wanted to interfere with the right of discussing the conduct of Members of Parliament? What I want to put down is the practice for one Member of Parliament to slander another behind his back. That is not fair discussion. It is slander; and I want to put down slander if I can. ["Oh!"] I want to put down a system which, if persisted in, will render existence in this House perfectly intolerable. I disregard the right hon. Gentleman's sneer that I wanted to force myself upon this House. I did not mean to do so; I do not want to do so; and I think it is extremely ungenerous and ungracious on the part of a Member of his experience and standing to fling that taunt at me upon the first occasion when I have had the honour of addressing this House. If young Members—young, I mean, in their standing here—are to be put down and sneered down in this way, I can only say that it is an entirely different state of things from that which hitherto has been the time-honoured custom of the House of Commons, where I have always understood that young Members are rather encouraged. At all events they are not, and I respectfully submit ought not, to be put down by sneers of this description. The First Lord of the Treasury read a passage from Sir Erskine May's book—I shall show that he was entirely mistaken in his interpretation of it. Here is the passage—

"Libels upon members have also been constantly punished: but to constitute a breach of privilege they must concern the character or conduct of members in that capacity."

In what capacity did the hon. and learned Member for Poole mention me except as a Member of this House? In no other capacity whatever. He commented upon the conduct of the constituency of Stoke-

upon-Trent in returning me to Parliament, and said I was not fit to be in Parliament. What is that but commenting upon my conduct as a Member of this House? ["No!"] Some Gentlemen may entertain a different opinion, and they have the advantage of the support of the First Lord of the Treasury; but anybody who fairly reads the passage in the speech of the hon. and learned Member will see that it refers to me as a Member of this House, and in no other character. The right hon. Gentleman proceeded further, and read from Sir Erskine May's book what he conceived to be his great point—"Aspersions upon the conduct of members as magistrates"—I am not aspersed as a magistrate—"or officers of the army or navy, or in private life, are not fit subjects for complaints to the House of Commons." Of course not, because these are reflections upon the conduct of Members in an entirely different capacity from that of Members of this House. The whole tenour, however, of the speech of the hon. and learned Member for Poole shows that he attacked me in this character; and his attack was none the less forcible and none the less a breach of Privilege because I was not sitting in the House at the time, though I was actually a Member. I say, therefore, that his speech, fairly and judiciously construed, is an attack upon me as a Member of this House. The right hon. Gentleman (Mr. Lowe) invites me to defend myself. Now I have always understood it to be the law—and I should have thought the right hon. Gentleman recollected enough of law to know—that it is the accuser who establishes his charge and not the man accused who defends himself. I ask the House, then, to call upon the hon. and learned Member (Mr. E. Ashley) to establish the charge he has made. That was what was done in Sir James Graham's case. Mr. Ferrand was there called upon to establish the charge he had made against Sir James Graham; and as he failed to do so the House did what I respectfully ask it to do in this case—it branded him as a calumniator and a slanderer. To me it is a matter of indifference whether the House so brands the hon. and learned Member or not. My character for honour is safe notwithstanding his attacks. He has made an attack upon me which no one ever ventured to make

before. I should have thought the whole dictionary of attack had been exhausted by the Lord Chief Justice of the Queen's Bench when he summed up against me. ["Order" and "Question!"] I am keeping to the Question. Every form of attack which could possibly be made upon me by any person was contained in that memorable summing-up. ["Question!"]

MR. BROMLEY-DAVENPORT: I rise to Order, and ask you, Sir, whether the hon. Member is in Order in reference to the Courts of Law and the Lord Chief Justice.

MR. SPEAKER: The hon. Member is approaching the limits of propriety which confine hon. Members, in speaking, to that which is relevant to the subject in hand. I shall not interrupt the hon. Member, but I hope he will be careful to confine himself to that which is relevant.

DR. KENEALY: I can assure the hon. Gentleman opposite that if he had only restrained his vehement impatience, he would have found that I was saying nothing out of Order. I repeat, Sir, with confidence, though with entire readiness to bow to your judgment, that everything which could be possibly brought against me as counsel in the Tichborne Case was brought against me in the summing-up, and that no one ventured to charge me, as the hon. and learned Member for Poole has done, with any guilty knowledge in the production of this witness. The Benchers for Gray's Inn have brought charges against me, but they never suggested that I was guilty of that charge. It is, therefore, an atrocious thing that, when neither the Judges of the land, nor the Benchers who carefully considered the whole of my proceedings in that case, thought it right or expedient to make such a charge against me, the hon. and learned Member should be the first to do so. Sir, I never saw that witness until weeks and weeks after he had been examined. Long before I called him, the witness had been examined by one of the most eminent Queen's Counsel at the Chancery Bar, assisted by another counsel of almost equal eminence and experience; and, having placed myself in their hands, those two gentlemen assured me and my junior and Lord Rivers, who personally interested himself in this great case, that they were as perfectly certain

of the truth and *bona fides* of the witness as they were of their own existence. Nay, further,—when I rather shirked the possibility of danger in calling this witness, they were willing to take upon themselves the responsibility of advising me to do so. I will furnish the First Lord of the Treasury with the names of these two counsel. After taking all the pains I could to discover whether the witness was reliable or not—backed as I was by the authority of two gentlemen of the highest eminence in the Court of Chancery—it is too bad that the hon. and learned Member for Poole should think himself justified in levelling at me so unscrupulous a charge. I shall not detain the House any longer. I am perfectly indifferent as to the decision it may come to—whether it gives the go-by to the question or otherwise. I have no doubt the sorry calumny against me will fall to the ground—that it will recoil upon those by whom it is thrown. Of one thing I am certain—that any slur which that decision may be supposed to cast on me I shall shake off as the lion shakes the dewdrops from his mane. [*Laughter.*] I am glad I have afforded the House an opportunity for so much innocent mirth. I am not at all angry; I assure you I am quite satisfied with the reception the House has given me. I know the vast amount of prejudice which may exist against me in the minds of many hon. Members. I believe before many months elapse I shall show that I do not deserve to be regarded with that prejudice, and I trust I shall never do anything which shall make a single Member of the House of Commons ashamed of my presence.

MR. BRIGHT: I wish, Sir, to make a few observations before any decision is come to on the subject before the House. I agree in the course proposed by the right hon. Gentleman (Mr. Disraeli). It is founded upon his agreement with the arguments used by my right hon. Friend the Member for the University of London. I think every man in the House will feel that if in future Sessions we are to adopt the course taken during the short period of this Session, we shall have a good deal of work before us—therefore, I shall be entirely willing to support the Prime Minister in the course he has recommended. There is one other observation which I wish to make. The hon. and learned Member for Poole

has fairly and exactly repeated all that he said on the occasion referred to, and I do not think it differs much in effect from what he was charged with having said by the hon. Member for Stoke-upon-Trent. But no one can deny that it was a very serious charge to make. It was however made with reference to a time when the hon. Member for Stoke was not a Member of this House. He was a Member when the words were spoken, but they did not refer to anything which had occurred since his election, to what he had done as a Member of Parliament, but to something done by him as a barrister in a Court of Law. Still, the charge was a very serious charge—one of the gravest and the worst that could be made against any man, and one that might be fatal, if it were true, to the character of a barrister pleading in a Court of Justice. I think, then, after the statement which the House has heard from the hon. Member for Stoke-upon-Trent, it will probably feel more than it did at the beginning of this discussion that the charge ought not to have been made. Of course, I am not about to say in the slightest degree whether the charge is true or untrue; but after the answer which has been made by the hon. Gentleman who has so recently come into the House, I do not think that justice would be done to him or the House be treated fairly unless the hon. and learned Member for Poole were at least to say this—that the charge was one which he made hastily, on the spur of the moment, that he regretted it had been made, and that he had no objection, in deference to the feeling of this House, to withdraw it.

MR. EVELYN ASHLEY: I feel it will be necessary to say a few words in the position in which I am placed. I do not wish the House to assume that I should make so serious a charge in an inconsiderate manner. I do not feel that I am able or that it would be right in me to enter on the question now; but in making that charge I assure the House I was acting upon knowledge which was not trifling, and which was contradistinct to something that was said with reference to the conduct of the junior in the case to which the hon. Member for Stoke has referred. But, at the same time, I feel that, however much I may be convinced of the truth of

the charge, such a charge ought not to be made at a political dinner. I therefore feel that it would be consistent with my feelings of honour and truth that I should so far follow the course suggested by the right hon. Gentleman the Member for Birmingham as to say that I regret much having made the accusation on that occasion.

Motion, by leave, *withdrawn*.

MR. DISRAELI: I do not think, Sir, the proceedings of this evening should terminate exactly in this manner. This question has been brought under our notice as a question of Privilege, and it is only with reference to that issue that I thought it my duty to appear in the matter. I believe we may assume that the general opinion is now that this is not a question of Privilege. The hon. Member for Stoke who has had an opportunity of addressing the House—and he has had no right to complain of the manner in which his speech was heard—did not meet the objection I made, that the comments to which he referred were not made upon his conduct as a Member of Parliament, and that the House could not touch anything except what referred to the conduct of Members of Parliament. Then the whole argument of the hon. Member was founded upon the precedent of the case of Mr. Ferrand and Sir James Graham. I remember that case very well, but it would not bear out the course adopted on the present occasion. That was not a case of Privilege; and if the hon. Member had chosen to bring his case before the House according to that precedent, he would have received the same fair treatment which was accorded at that time to Sir James Graham, and the matter might have been generally discussed. But the hon. Member has brought forward his case as a question of Privilege, and it is as a question of Privilege only that we ought to consider it to-night. It was open to the hon. Member to follow the precedent of Sir James Graham's case if he thought fit to do so—but he did not. The question of Privilege is so high and delicate a question that it ought never to be approached without deliberation. Therefore, to mark our sense of the inconvenience of the course pursued, I think it my duty after this discussion to move that the House, having heard the state-

ment of the hon. Member for Stoke and the explanation of the hon. Member for Poole, do now proceed to the Orders of the Day.

THE MARQUESS OF HARTINGTON: Entirely concurring with what was said by my right hon. Friend the Member for the University of London and the right hon. Gentleman opposite, I rise to second the Motion. It has been pointed out that the words complained of were not spoken of the hon. Member for Stoke in his capacity of a Member of Parliament. I will go even further; it does not appear to me that the hon. Member, if he had been a Member of the House at the time, could complain of what had been done. The act to which reference had been made not having been committed in his capacity of Member of Parliament, the question would not become a question of Breach of Privilege.

Motion made, and Question proposed,

"That this House, having heard the statement of the honourable Member for Stoke and the explanation of the honourable Member for Poole, do now proceed to the Orders of the Day."—(*Mr. Disraeli*.)

MR. ROEBUCK: There is one word I wish to speak. I suppose the object of the right hon. Gentleman is that the House should mark its opinion in some respect with regard to Privilege. The word "Privilege," therefore, ought to enter into the Motion, and the Motion ought to be—

"That the House, having heard the statement of the honourable Member for Stoke with regard to Privilege, and the explanation of the honourable Member for Poole, do now proceed to the Orders of the Day."

I move that the words "with regard to Privilege" be inserted.

Amendment proposed, to insert, after the word "Stoke," the words "upon a question of Privilege."—(*Mr. Roebuck*.)

Question proposed, "That those words be there inserted."

MR. DODSON: I hope the House will not accept the Amendment of the hon. and learned Member, because it is so ambiguous in its wording that it may be left in doubt, if the Amendment be accepted, whether or not the House does not affirm this a question of Privilege. In order to make the sense of the House clear, it would be necessary to insert the

Mr. Disraeli

words that it is not a question of Privilege.

MR. ROEBUCK: I will not trouble the House to divide, and will withdraw my Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Resolved, That this House, having heard the statement of the honourable Member for Stoke and the explanation of the honourable Member for Poole, do now proceed to the Orders of the Day.

REGIMENTAL EXCHANGES BILL.

(*Mr. Secretary Hardy, Mr. Stanley*.)

[BILL 3.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Gathorne Hardy*.)

MR. GOSCHEN, in rising to move—

"That this House is of opinion that Regimental Exchanges may be properly allowed under official control; but that any legislation permitting a public officer to pay a sum of money by way of profit or bonus to another officer in respect of a bargain for the exchange of their offices would be injurious to the public service,"

said, he doubted if many Members of that House would object to a moderate system of regimental exchanges under adequate official control. Most of them would be in favour of such a system, provided they could be certain that it would be equal in its bearings upon all officers in Her Majesty's service; but what he feared with regard to the Bill before them was that while it would effect exchanges in many cases, it would make them dependent on money payments and on a system of bonuses, and that, therefore, officers who were unable to pay bonuses would not be placed in the same situation as regarded exchanges as their more wealthy brethren in arms. In fact, the principle of the Bill was not to facilitate exchanges, but, as was most apparent from the debate the other night, to sanction the sale and the purchase of the difference in value between various commissions and appointments. The House would perceive it was clearly laid down that there was something to sell: it was not the exchange only that was to be made, but it was to be a money question. That argument had not been met on the other side of the House; and it was to bring his adversaries to close

quarters on this matter that he now proposed his Resolution. Hitherto, the argument had been that this was a Bill which, for the first time, systematized and legalized the traffic in appointments to commissions; and the answer to that was that exchanges were so beneficial. It was said—"Here is a Bill which, for the first time since 1809, goes against the system laid down in that Act," and the answer again was, that exchanges were so beneficial; and when it was urged that it was a Bill to bring back the spirit and the power of the purse, which had been dethroned and exorcised, the same answer was given. The principle of the Bill was to enable money payments and bonuses to be passed; but to listen to the language of the Secretary of State for War, one would think this was a Bill to enable him to pay less attention to exchanges than had been done in times past. The right hon. Gentleman had spoken of the inconvenience of knowing of these money payments, and proposed to remedy that inconvenience by making them legal in the future. What was the origin of the Bill?—that was not to be forgotten in this discussion. The Bill originated in the demand of officers for compensation. It was not the spontaneous act of the Government; it had been wrung from them by the officers. The right hon. Gentleman himself told them that he brought forward the Bill in consequence of the recommendation of the Royal Commission. Although he was at the head of the Army, the right hon. Gentleman shielded himself behind the authority of the Commission. What grievance was it intended to remedy? How did the Commissioners treat the question themselves? Did they look upon it as a question of convenience to the officers, and to enable the military authorities to pay less attention to these exchanges in the future than formerly? They looked upon it simply as a pecuniary matter. In their Report they said—"the prohibition of the practice of exchanges has seriously affected the poorer officers." Then, if so, hon. Members opposite must admit that it was a money exchange. Indeed, the Report grounded its recommendation on the averment—"that it would enable officers of slender means to serve in India or elsewhere for a consideration," but not a word about relieving the War Office from the necessity of con-

sidering, on military grounds, whether or not exchanges should take place. But the Commissioners took evidence, and he (Mr. Goschen) would be content to rest his claim upon the House to reject the Bill upon the evidence of the officers in its favour. What was that evidence? The memorial of Captain Rickards was to this effect—

"I declare that I did pay in respect of an exchange from the 6th Regiment of Dragoon Guards to the King's Dragoon Guards a sum of £750, and I say I paid such sum of £750 for such exchange in full faith and confidence that I should receive the same again by an exchange to some regiment in India, and that the sum of £750 was advanced to me in such faith and confidence, I engaging to exchange to India in order to repay the same. By the abolition of Purchase I am unable to carry out this engagement, and my memorial prayeth that, in calculating the value of my commission, the sum of £750 may be added to the sums which I have paid for my promotion, and be allowed when I retire from the service."

Captain Spottiswoode, of the 21st Hussars, said—

"My power of exchanging to the Infantry, and thereby receiving a considerable sum of money, has been taken away. Prior to the 1st of November captains in my regiment have been offered £1,500 to £1,700 to exchange. Now we can get nothing but our expenses."

Here was Captain Gonne's case—

"Under the old system I could have raised about £2,500 by an exchange as a major to India." He was asked, "Was that a thing which could be obtained merely by going into the market and asking for it?" His answer was, "I have never known anyone search for it in vain. I could have borrowed £2,500 upon the certainty of being able to repay it by an exchange."

Colonel Legh, Grenadier Guards, explained that he had paid £2,500 for exchange into the Guards, and complained that he was debarred from recouping himself of that sum by the sale of the value of it. Captain Backhouse said—

"I also had a right to exchange if I thought proper, receiving or paying money according to the part of the world in which my regiment was situated."

Colonel Burnaby complained "of the non-existence of that same freedom of exchange which previously existed, coupled with the custom of selling the intrinsic value of the prestige of commissions in the more privileged regiments, such as the Guards, Household Cavalry, Heavy Cavalry not quartered in India, and Light Cavalry *inter se*, and as compared

with the Infantry of the Line; or, in the event of officers having purchased such an exchange, their inability now to sell it, and thus recoup themselves." Sir Percy Herbert asked this Question—"You have the right and privilege, which I believe was never disputed, to exchange from one regiment to another?" Captain Campbell answered—"I have." It was, in point of fact, the money question—compensation for a money right—that was brought before the Commission; therefore, he dismissed from his mind the idea that the Commission simply intended to relieve the Secretary for War from the necessity of controlling exchanges. Another point was that forced upon the Commission was this. The officers complained that the poorer officers had lost the means of eking out their pay by bonuses—again a money question. Major Golds-worthy said—

"I do not see how a poor man is to get on at all in the Service if exchanges are to be prohibited, because that was the only way which enabled poor men to get on."

That, he thought, would be news to the country; and if the country believed it—as the Commissioners and the Government apparently believed it—he maintained that other means ought to be taken to enable poor men to get on in Her Majesty's Army rather than that their pay should be supplemented by bonuses from their brother officers in arms. Again, it was perfectly possible under that system to assign the actual money value of the different ranks. Colonel Bray said—

"Exchanges in every rank vary; there was a certain market price; it altered according to the number of regiments in India and the number at home, and according to whether there was war or peace. The market varied, and poor men were obliged to watch the market."

He did not know whether those words grated on the ears of the House; but, to his mind, they were inexpressibly sad. Could they not fancy the poor officer watching the ups and downs of the market, scanning the lists of regiments to see how many sons of fortune were in them who were likely to buy his services, and saying to himself—"So many regiments are ordered home from the Colonies, the market will fall; so many regiments are ordered out to India, the market will rise." That was not a state of things with which the country would be satis-

fied. The Secretary of State for War stood behind the Commission as behind a shield. Would he, then, deal with the evidence in the same way as the Commission did? Did he recognize that grievance of the poorer officers; and if exchanges were in future to be regulated on military grounds alone, how could it be said that that Bill was founded on the evidence and the Report of the Commission, or that it would meet the grievance of the poorer officers? But the fact was this, whatever the views of the right hon. Gentleman might be, the officers would say that the Bill would be ultimately worked through the military authorities; that, notwithstanding every possible regulation which might be made, those transactions would be recognized, to a certain extent, the same way as before; that the Secretary of State for War was not a man to create a grievance when he intended to redress it; that he must have meant that that traffic in the market should go on, and surely would not by his regulations so curtail it that they could not get the compensation they sought. The House had to look at that question not from the money point of view only—the sole light in which the Commissioners regarded it; and he did not blame them for not taking into consideration matters that were not referred to them, although he did regret that if they saw their way by any money payment or other arrangement to meet that grievance, they did not bring the matter so clearly before the public that it should be known where the shoe pinched. What, he asked, would be the effect of the measure upon the Army generally? There was very little about that in the evidence, but there seemed to be three points urged—namely, that it would help promotion; that it would secure on occasions in England the presence of an efficient officer who might not otherwise be there; and, lastly, that it was important on considerations of health. With regard to the second point, it might be said, with equal truth, it might secure the absence of officers from England who would otherwise be here, but who for a money bonus had gone where the Commander-in-Chief did not intend them to go. As to health, the argument put forward, at first sight, made a considerable impression on one; but that impression was weakened when they

Mr. Goschen

remembered that it was only on the condition of the sick officer having money enough to pay his passage home that he would be able to avail himself of those exchanges. If there were no other argument against the Bill but this one, the Liberal Party could never assent to it. The argument should be put in this form: there were two officers in India who were both desirous of coming home, the one being rich and the other poor. Under a natural system of exchanges, it would be equally open to the poor officer to come home as the rich; but, under the bonus system, a market was created where the poor man could sell, but where he could never buy—a market where the export trade was always of the poor, and the import trade was always of the rich. Call this a Bill for facilitating exchanges! He called it a Bill for prohibiting exchanges for poor men. As to the argument about promotion, it must be obvious that the system of exchanges would facilitate promotion only by means of shuffling the cards. The poor man would probably go into a regiment where promotion was slow, and it would often happen that a senior captain would be at the bottom of the list of captains—a state of things which was not conducive to the efficiency or contentment of the service; and was it not clear that the more this Bill would tend to stimulate promotion, the greater would be the danger of a practical recurrence to the purchase system, which they had spent £7,000,000 to abolish? It was certainly not on the ground that it would facilitate promotion that such a measure ought to be passed. These were the three arguments put forward as to the benefit to the Army; but it seemed to him the weight of evidence was on the other side, and that it might be shown that the system was detrimental to the Army at large. As regarded the evidence, indeed, it was perhaps not unnatural that they had much testimony from those who wished to sell, but little from those who wished to buy. Still, in the same way as the sellers claimed the privilege to sell, those who bought became impressed with the idea that they actually had a right to buy. It was clear that there was on the part of many officers a distinct notion that they had a right to move or not move or to alter their movements at their own discre-

tion, tempered only by the length of their purse. There were officers who held that they had a right to select the country in which they were to serve the Queen, and the argument had culminated in the celebrated letter in which Major Arbuthnot maintained that it would be a breach of the liberty of the subject to prohibit an officer from buying a substitute to perform the duties which he had himself been appointed to perform. Major Arbuthnot had gone farther, and appeared to think an officer justified in resigning his commission if he could not find a substitute, even without suggesting urgent private affairs or bad health. He would ask the Secretary of State for War whether there were many officers in Her Majesty's service who would resign their commissions if they were not allowed to find substitutes to go where they themselves had been ordered. But perhaps he had better not ask the question; better draw a veil over that part of the subject. ["Oh, oh!"] Hon. and gallant Gentlemen might think he was speaking but as a mere prejudiced civilian; he was glad to think that if it was a prejudice it was very largely shared in by the country. And if it was a prejudice on his part, it was a prejudice which had been deepened by his connection with the sister service. The privilege claimed for the Army officers had never been set up on behalf of the Navy officers. The motto of the Navy was "Go, and he goeth." Naval officers went wherever they were ordered, under whatever circumstances, whatever might be the service or irksomeness, without question or parley, or exchange, or barter—without for a moment thinking of the balance at their bankers, or the length of their purses. That was the state of affairs in the Navy. He did not wish to draw a contrast between the two services. The officers of both services were made of the same stuff. The officers of the Army were actuated by the same spirit of devotion as their naval brethren; they were as zealous for the honour of the profession to which they belonged, and in time of war they were equally ready to go to whatever part of the globe to which they might be ordered. Nay, more, that self-same purse which was emptied to buy off in time of peace was always equally ready to spend its treasure to buy in, in time of war. Those

were no fancy soldiers, such who, scattering to the winds the warnings of health, and the breaking through the spell of domestic remonstrance, carried to the Gold Coast their spontaneous services to face the deadliest climate of the world, and paid with their young and noble lives the price of their soldierly alacrity. And if, in time of peace, on peace service, though peace service was often more irksome than service in the field, British officers still thought they might buy ease at home and pleasant quarters for a money payment; if others thought they might still carry their services to market, or barter a popular appointment for a post abroad and a purse of gold; it was not the fault of the officers themselves, as high-spirited a body of men as ever officered an Army. It was the fault of the system, of that fatal system of purchase, which they fondly hoped they had exorcised for ever, but which had so eaten into the heart and core of the British Army, that it was still thought right and becoming, and worthy of the Army and the State that the length of the purse, and not the orders of the Commander-in-Chief should determine the whereabouts of the officers of the Queen. For his own part, he objected to substitute the power of the purse for the fiat of the Commander-in-Chief, to substitute a market where service could be bought and sold for the rules, regulations, and commands of the service, and to sanction barter openly in one of the great professions of the State. Having said so much with respect to the rich officer, he would only say a word with respect to the poor one. This Bill purported to be introduced to benefit the condition of poor officers; but see how under its influence a poor man might be crushed out of the service. Suppose his regiment was in India, or in one of their unhealthy colonies, and he lost his health, or became disabled by sickness, and was unable to get money to enable him to come home: he must resign his commission or leave the Army, and this Bill raised the price against the poor man and prevented him from availing himself of a natural exchange. There was another argument against the Bill that had not yet been brought forward upon which he desired to make a remark. Suppose a rich man exchanged with a poor man, and the poor man were sent

abroad. Suppose, further, that shortly after this bargain had been completed war broke out, and an expedition was fitted out in England against the enemy, the man who had exchanged and remained in England might be appointed in connection with the expedition, and he would get promotion and honour, whereas the poor man who had gone abroad would lose all, and have no chance whatever. Would he not naturally complain that he had first lost all the pleasures of peace and then all the glories of war? Would he not curse the system of exchanges and his bad luck? Would he not exclaim—surely the English Army is no place for poor men! He, in common with his hon. Friend the Member for the Border Burghs (Mr. Trevelyan), regretted that they must speak as they did of richer and poorer officers; but they spoke as the evidence had spoken—that evidence which contained the words that without exchanges the poorer officers could not get on at all. To him it seemed that the Army was not for rich or poor men—not for the rich that they might remain at home in the garrison towns, and not for the poor, that they should be placed in a worse position than those who were rich, but it was an Army in which the rich and the poor should take their fair share in the varied service that fell to the lot of the Army in the vast dominions of the Queen. An hon. Gentleman had the other evening spoken of the effect of the Bill on the efficiency of the Army, but they had heard little on this head. He would like to put some questions with regard to it. Would the system proposed tend to create two classes of officers—one which would be able to purchase what he would call homeward exchanges and the other the outward exchanges? Would such a system be for the public benefit? Would it not tend to accumulate at home officers of less experience than those who went abroad? Was it desirable, looking at the professional spirit of the Army, that officers should be allowed to exempt themselves for many years, if not for the whole of their lives, from serving in India or on foreign service, which was admittedly the best school they could have in which to learn the practical part of their profession? In reference to the regimental system, he would merely say that it appeared extraordinary that the

Mr. Goschen

colonels of most regiments should not agree with the views of Lord Clyde in that celebrated passage in which he spoke with regret of the young officers who left him when the active service of the field was over. He should have thought that the colonels would have wished to keep their officers together when their regiments were abroad—this would appear to be but common sense; but the House had been told that the laws of human nature and of common sense did not apply to military matters. What would be the effect of this system upon selection and promotion? The House would remember that one of the objects for which purchase in the Army was abolished was to enable selection to be exercised among Field Officers, and that that principle had been embodied in the Royal Warrant. Parliament expected that that principle would be carried out, and it was in that expectation that it had consented to pay £7,000,000 to set the Army free. He believed that Parliament would assume that the Royal Warrant was being acted upon, and that it was the rule of the service. Of course, the system of seniority still existed to a considerable extent, but seniority tempered with selection. Before he referred to the case of the Field Officers, he would advert for a moment to the more humble subject of first commissions. It was well known that colonels in the Guards retained their privilege of nominating for first commissions in their regiments, on the condition that they should make their selection from among those who had been successful in their competitive examinations. Now, he wanted to ask whether, when this Bill had passed, those fortunate young officers who had been thus selected would be able to sell the prestige of their regiments for a sum of money? The right hon. Gentleman had read a letter in which the ecstasy of a tailor who had had his bill paid in consequence of an officer having received a sum of money for exchanging had been depicted, and he read it with such cheerful unction as showed a thorough sympathy on his part with the fortunate tailor and afforded marked evidence that the system of exchanges was not a question of convenience, but of money. The Commander-in-Chief also had the power of appointing to regiments from a certain list. Would the

favours of the Commander-in-Chief be open to be carried into the market for sale? The evidence showed that prestige was carried into the market, and if it should be allowed under this Bill, cash would be thus obtained for the benefit of tradesmen. He contended that that would be a state of things which the public would not sanction. Then, again, were the Field Officers who were appointed by selection to be permitted to sell their appointments? He wondered whether the Government would accept the Amendment of his hon. and gallant Friend the Member for Bath (Captain Hayter), for it was clear that a system of selection and one of exchanges for money bonuses would be incompatible—they could not co-exist, and it was their duty to strengthen the hands of the Commander-in-Chief by refusing their assent to any measure which would indirectly bring principles opposed to the system of selection to bear upon him. Then as to the system of promotion. It was said in the course of the former debate that promotion would no longer be bought, but that the prospects of it would be bought. That was very well expressed. It might be expressed differently. Exchange would be from one regiment to another, and though a man would not be able to attain his point directly he would do so by tacking. They would buy promotion through a system of zig-zags. Officers perfectly well understood that that might be done. For instance, there were eight captains in a regiment. Now, suppose three of them at the bottom to have money and to wish to buy out some of those above them who were possessed of only slender means. A purse would be made for the purpose of dealing with them, and they would say, Where was the harm? Now, Parliament had refused its sanction to payments of money bonuses; but if this Bill should be passed officers would take a different view of the matter and say that it enabled them to enter into these transactions, and that the present Minister for War would not take any notice of them. They would not perhaps buy out the captain at the top of the list, but they would buy out some, and thus assist their own promotion, and by that course they would get back to the purchase system through this new system of exchange. Work the Bill as they would, he maintained

that there was no answer to this part of the case—namely, that through promotion and these exchanges, men would be able to assist their own advancement in the Army; and if they should be allowed to buy promotion this Bill would bring back to a certain extent vested interests. The right hon. Gentleman the Secretary of State for War might deny that. He, no doubt, believed that no vested interests would grow up. They did not grow up in a day. It would, however, require strong argument to show that they would not grow up in time. Why, it was through a claim of vested interests that this very question had come before the Commission. The officers would say that the system had been sanctioned and encouraged by Parliament; that a large majority of the House of Commons had declared that exchanges ought not to be illegal; and that they knew from experience that even over-regulation prices had been treated as vested interests. The law of human nature would show that officers who for a long series of years were encouraged and allowed to indulge in this traffic would come to regard it as giving them a vested interest as arising out of it. His Royal Highness the Commander-in-Chief had stated in evidence that there had been great difficulty in checking the payment of over-regulation prices; and if the history of that system were studied, it would be seen how easily vested interests sprung up. On the other hand, they had the declaration of the Secretary for War that exchanges would in future be dealt with only on military grounds. But how were those military grounds to be combined with the claims of the officers? Did the right hon. Gentleman mean that military grounds were to decide whether an exchange should be made or not, or that the exchange might be made unless there were military grounds against it? Were exchanges to be allowed where military grounds could be pleaded in favour of them, or where there was no objection to them on military grounds?—because the one case was very different from the other. Was it, he asked, consistent with human nature to think that an officer who had paid a large sum of money for the privilege of remaining at home would not regard it as a grievance to be ordered abroad within a month or two of that transaction? He would, of course, so look

upon it. ["No, no!"] The right hon. Gentleman said "No," and he thought he caught the words from an hon. Member, "It has been done over and over again." But how often did the War Office know that sums of money had been paid under such circumstances? [Mr. GATHORNE HARDY: They never knew it.] They did not know it officially. But would they not know it as a matter of fact? Would they make a regulation against War Office officials frequenting a military club? Did they not know, as private individuals and as a matter of common conversation, that such sums had been paid? Did the right hon. Gentleman, in contradistinction to the evidence given before the Duke of Somerset's Commission, to the effect that it was necessary to wink at the payment of over-regulation prices, mean to say that such things were not known at the War Office? He should congratulate his right hon. Friend very much on his sturdiness if he secured that not only in his own time, but in the future, vested interests would not arise from that system which the Bill would legalize; for they should remember that they were not legislating for a limited period. He would ask the House to consider what the effect of allowing the payment of bonuses for privileges would be likely to be on the efficiency of the Army, and on that point he would not repeat the arguments so ably put forward by his right hon. Friend the Member for the University of London (Mr. Lowe). It was sought to be justified on the ground that it would allow officers of slender means to eke out their incomes. Why would not the same ground apply to the Navy as well as to the Army? The answer sought to be given was that naval officers were appointed to ships for three or four years only; whereas officers of the Army went abroad for longer periods. He was not at all sure that three or four years in a ship was not equivalent to a much longer period ashore in India. But even if it were not so, the right hon. Gentleman could not rest the argument upon the ground of hardship in the case of the Army, because service abroad was equally hard in the case of officers who could pay and of those who could not afford to pay. He must always remember in his argument that some officers were poor and some rich, and why would not that argument apply equally

Mr. Goschen

to officers in the Navy? Suppose that a poor naval officer said to a rich officer in the same service—"I am appointed to a good ship bound for a healthy station—you are appointed to a bad ship going to an unhealthy station. I am in debt, you are not, pay me a few hundred pounds and I will take your bad ship and go to your bad station." They would ask themselves why they should not have official sanction for such an exchange. And to whom would they go to ratify it? To the First Lord of the Admiralty, and with the knowledge that the First Lord was one of the three Commissioners who had sanctioned that very proceeding in the case of the Army. And how could the right hon. Gentleman, who was both kind and logical, refuse to grant to the Navy that which he had recommended for the Army? But the right hon. Gentleman had stated that he would not allow the passing of a £10 note in the case of the naval service; and yet he was a part of the shield behind which Her Majesty's Government sought to shelter themselves, because they fell back upon the authority of the Commission, of which the right hon. Gentleman was a Member. Had it, he asked, struck the House that they had not heard what the views of Her Majesty's Government were with regard to all the other recommendations of the Commissioners, or why they had selected one point only for legislation? The Army Estimates had not been introduced, and all the House knew therefore was that the Government had exercised their discretion with regard to this one point of exchanges. The Government had referred the other recommendation of the Commissioners to another Commission. Why had they not referred this also, which was a question of compensation and was not a question of administration? For his part, he was surprised that the Government had sheltered themselves as they had done behind the Commission at all; but how they could do so without recognizing the authority of the Commission with respect to the other matters referred to them he could not understand. He did not blame the Government or impugn the motives with which they had introduced this Bill. The Secretary for War, no doubt, believed that the Bill would be a boon to the Army, and that it would cost the country nothing. The purchase

system cost the country nothing till it was abolished, and then it cost £7,000,000, and he maintained that if they allowed the system of payment for exchanges to be re-established, although it would cost them nothing at the present time, it was impossible to say what it would cost them hereafter. The House, for these reasons, ought not to depart from the principles of the Act of 1809, and ought not to repeal the Army Brokerage Act. His Resolution declared that the operation of the Act would be "injurious to the public service." He would also declare that it would be injurious to our national credit. What would foreign nations say when they saw us harking back to the state of things which was put an end to four years ago when Parliament abolished purchase? They would say—"Four years ago you wanted to reform your Army. You made a gigantic effort. You found vested interests blocked the way of every reform. You bought up those vested interests. It cost the country a cruel sacrifice. It cost the Army a cruel wrench. But so engraven in the minds of English officers is the idea that they are entitled to carry into the market the prestige of their regiments and the value of their commissions, that after abolishing one market you are now consenting to set up another. Oh! nation of free-traders, must you have free-trade even in your exchanges." He did not believe that the Liberal Party would be *participes criminis* when such a charge as this was laid. He could assure hon. Members opposite that he and those around him opposed this measure in no spirit of mortification that their work was about to be undone, and in no spirit of antagonism to the Army, whose reputation was equally dear to both sides of the House. They opposed it on the broad principle that to legalize barter in public offices was contrary to public policy, contrary to the expectation of the country, and injurious to the honour and credit of the public service. That broad principle was embodied in the Resolution which he now submitted to the House. It would be somewhat extraordinary if in the year 1875 a majority of the House of Commons should say "No" to such a Resolution; but, however that might be, he was well assured that, in the opinion of the nation, the "Ayes" would have it. The right hon.

Gentleman concluded by moving his Amendment.

SIR HENRY HAVELOCK, in rising to second the Amendment, said *: I rise to ask the patience of this House for a short time while I put before it, as briefly as possible, the grounds on which I feel compelled—having the highest interests of the Army in view—most unhesitatingly to oppose the passing of this Bill. There never probably was a Bill laid before this House which was pregnant with such grave and wide consequences, while appearing to contain so little. There has seldom been a Bill the future operation and effect of which could so little be gathered from that which it shows on its innocent surface. What apparently can be more unobjectionable than a proposition that officers should be allowed freely to exchange with each other, so that each individual, suiting his own convenience as to the climate and the circumstances under which he will serve, the whole Army should be contented, and the service benefited? And let me say, Sir, at the outset, that I have no objection whatever to exchanges as such. I think that exchanges, under proper limitations, are beneficial both to the officer and to the State. I go still further. If it can be shown that the present scale of “necessary expenses” is too low—if it can be shown that it has unduly hindered exchanges, then by all means let it be revised. I am decidedly in favour of every facility for exchange consistent with the best interests of the service. But I have the strongest possible objection to the re-introduction of purchase—under any colouring, or in whatever shape. And, Sir, as soon as you begin to examine this Bill in detail—as soon as you begin to forecast how it will work—then the cloven foot of purchase peeps out again, so that I have no hesitation in designating it as one of the most questionable, dangerous, and retrograde measures ever brought before this House. I give the right hon. Gentleman opposite the Secretary of State for War full credit for the excellence and the purity of his intentions. I place implicit confidence in his integrity, as everyone in this House who knows his frank and honourable character will do. But he has been misled in this matter. He little knows the dangerous inevitable effects of what he is introducing, and, what is

more, he cannot guard against them. I say—without fear of contradiction—that if it pass in its present shape, it will re-introduce purchase in one of its worst forms. It will reverse all the beneficial legislation of four years ago, and it will cause all the money which this House has voted, and the country has spent, for improving the administration of promotion to be as much and as wantonly wasted as if it were deliberately thrown into the sea. Sir, I had hoped when this Bill was withdrawn at the end of last Session that on its re-introduction this year the Secretary of State for War would have so modified it as to deprive it of its worst feature—its power of making exchange for which money is paid, the means of buying promotion. I ventured to make a proposition to the right hon. Gentleman for a modification in that sense, which appears to have entirely escaped his memory, but which I shall now have the opportunity of moving as an Amendment. Had the Bill re-appeared in that improved shape, confining its action solely to exchanges, and giving this House and the country that which it has a right to—a guarantee that it should never be made the means of re-introducing purchase, I should have been prepared to give it a certain amount of support. As it stands now—containing no such guarantee, but, on the contrary, containing provisions which will, as I will presently show, be inevitably used for the purpose of restoring purchase—I have no option, in the best interests of the country, in the highest interests of the poorer officers of the Army, but to give it, by every means in my power, an unqualified opposition. There is one point I should like to clear up. It has been implied, rather than directly stated, in the course of this debate, that this power of exchange will be made by officers the means of avoiding active service. Sir, that is an assertion to which I cannot even lend the tacit acquiescence of silence. I repudiate the insinuation with the contempt it deserves. Such a case never has occurred amongst the officers of the British Army, and I will venture to say it never will while British officers are—what they have ever been—the true leaders of their men. But to return to this Bill. I said, Sir, that it would re-introduce purchase. But, Sir, before touching on that point, I would

Mr. Goschen

first object to this Bill that it is wholly unnecessary. Anyone reading this Bill, and listening to the speech with which it has been ushered in, would naturally suppose that exchanges between officers had been prohibited when purchase was abolished, and that they have never since been allowed. But what is really the case? Exchanges between officers never have been prohibited; they never have been suspended for a moment; they take place daily, to the great advantage, as I freely admit, both of individual officers and of the service. The only limitation that has been made—and this, be it marked, is what this Bill is intended to reverse—is that, instead of officers being permitted, as previously to 1871, to give and receive sums of money without limit, for these exchanges now, and since 1871, every officer wishing to exchange is very properly obliged to submit to the Military Secretary a statement of the sum proposed to be paid, of the items that compose the total, and then only what are deemed the necessary expenses of the exchange are sanctioned. And, Sir, this practice of proper supervision and limitation of the sums to be paid for exchanges is what this Bill proposes to put an end to. The right hon. Gentleman said he thought it a “pernicious thing” to recognize these payments of money. But, then, what does he propose to do? Does he propose to put a stop to these payments? On the contrary, he proposes to recognize them on the largest possible scale. For his Bill will remove all legal restriction whatever upon them, a legal restriction that has existed for three centuries, and will leave officers free to pay just whatever they please, on the sole condition that he hears nothing about it. Depend upon it, Sir, the officers of the Army will gladly take him at his word. They will pay just what they please, and he will certainly never hear anything about it. But they will re-introduce purchase in the process. They desire nothing better than this tacit recognition; and they will not be slow to profit by it. Sir, this is not a Bill to permit exchanges, for exchanges are daily permitted, and have never been prohibited. It should properly be called a Bill to permit officers to make money by exchanging their duties, and I have yet to learn that that is a traffic which the public opinion of this

country, when rightly informed as to its results, will either approve or tolerate. I have said that my first objection to this Bill is that there is no necessity for it, and as one example is worth a dozen assertions, I would recall to the memory of hon. Members a letter that has recently appeared in *The Times* newspaper on this subject. An officer of Artillery—an ex-Member of this House (Major Arbuthnot) who lately sat for Hereford, writes to endeavour to induce the public to prejudice this case in favour of this Bill, by telling a pathetic tale of how, finding himself at one and the same time thrown out of Parliament and under orders to proceed to Rangoon, he was under the necessity of either finding an exchange or going on foreign service. I offer Major Arbuthnot my respectful sympathies on this combination of misfortunes. But I may remark, in passing, that foreign service is not altogether so unusual and exceptional an incident in a military career as to be considered as a hardship by soldiers—at least, the working officers of the service have not been in the habit of so regarding it. Then Major Arbuthnot goes on to tell us of the difficulty he had in obtaining that exchange, because, as he says, of the stringent rules in force; and then he relates how at last he found an officer at Rangoon, who was willing to remain there for “a consideration,” and finally how he was permitted to make the exchange, and both parties to the arrangement were equally pleased. I congratulate Major Arbuthnot upon the happy termination to his difficulties. I am sure the House must feel much indebted to him for taking us all into his confidence with such charming frankness. But there is just one little matter connected with this case which he omitted to tell us—no doubt in the hurry of writing—and as that is a point somewhat material to the discussion now before us, I am glad to be able to supply the omission. Major Arbuthnot forgot to tell us what he was allowed to pay for that exchange. Will this House believe, after all this outcry about the stringency of rules, and the hardship of money not being allowed to pass, that in this very instance, and under existing regulations, Major Arbuthnot was allowed to pay £400 for that exchange to the officer who replaced him? And when I tell the House, moreover,

that that large sum was paid solely for the passage to Rangoon of that officer's wife, family, and servants, whom he had left behind, then, I think, many hon. Members will be disposed to agree with me that the existing regulations, on which so liberal an interpretation is allowed to be put in practice, are almost sufficient to answer all the reasonable demands, both of individual officers and of the public service, in the matter of exchange. I say with confidence, that if, as I have shown, the present regulations have so wide a margin that under them not only can an officer be allowed to be indemnified by his successor for all the expenses incidental to a change of country—such as cost of new uniform, of horses, and of passage out to his new station—but that, when the occasion requires it, he may receive instead a large sum of money for the passage of his wife, family, and servants, as was done in this case of Major Arbuthnot's, then, I say, there has been no case made out of proved necessity for any great further relaxation of the rules, and no argument produced in favour of the introduction of this dangerous and doubtful measure. But, Sir, even if there is not sufficient facility already for an officer to choose the climate he will serve in, there is another easy remedy for that without resorting to so extreme and retrograde a measure as exchange by purchase. Let the Government carry out the system of linked battalions in its integrity as regards the officers, as they have already done as regards the men, and that will entirely do away with any necessity for this Bill. As the House knows, the 141 battalions of the Infantry of the Line, are now grouped in couples, called linked battalions, and intended, I believe, eventually to form one regiment. One battalion of each couple is at home, the other abroad. If proper advantage is taken of this system exchanges will rarely, if ever, be necessary. For where it is desirable, as it often is, from long service in tropical climates, ill-health or any other cause, that an officer should have a temporary change of station, it will be in the power of the authorities to transfer him to do duty with the home battalion; and as this could be done without altering his regimental standing by simply arranging a list of the relative ranks of the officers in both the

battalions, it would be done at much greater advantage to the individual than the present mode of exchange; for he would not by such a transfer go down to the bottom of his rank. Then the transfer being made by authority for reasons which the authorities approve, the next senior officer for foreign service would proceed out as a matter of course: and no officer could complain of a system by which he was sure to be benefited in his turn. The same principle is applicable to the Artillery, as three new brigades are about to be formed. And this principle has the advantages of having precedent in its favour, for it has worked well for many years past, in the transfers between the *dépôt* and the service companies of regiments. The right hon. Gentleman has said in his speech he desires to regulate those exchanges for the future, partly on "military grounds," from which pecuniary or private considerations shall entirely be excluded. Sir, that is a most laudable desire. Therefore let me respectfully commend to his consideration the mode of exchange which I have just sketched out, which can be carried out entirely on "military grounds," and without costing either officer concerned one single penny or deranging his regimental standing. Sir, I said that this Bill would be made the means of re-introducing the purchase of promotion, and I will proceed to prove it. In the lower ranks, in the grades of lieutenant and captain, it will only do so to a minor extent; because in those ranks as each officer exchanging has to go to the bottom of a somewhat long list of his rank, the process of making up a purse to get promotion by getting men to exchange out of a regiment will be a rather slow one. It will, however, I have no doubt, be done even in those grades, as it was in the Indian Army. But in the higher and more responsible grade of major—a rank, be it remembered, that is next in succession to the command of a regiment—a grade, be it remarked, that since the abolition of purchase is intended to be bestowed by selection—this Bill will immediately and inevitably re-introduce a direct means of buying promotion. For instance, a rich man is now the junior major of a regiment in India. He is there very much against his will. He has a lieutenant-colonel and a major over him, both of whom are compara-

Sir Henry Havelock

tively poor men. They like the high pay of India. Neither of them intends to move—or “give a step” as it is called—for the next 10 years. Our rich young major sees no chance of promotion. He is bored to death, he hates the country, he hates the Natives, he has no alleviation to his hard lot except driving away the mosquitoes by night and anathematizing the Radicals who “have abolished purchase and ruined the Army” by day. But, let this Bill once pass, and you revive that bored and languid major at once to new energy, from the tame pursuit of cursing the Radicals to the far more exciting pursuit of promotion by purchase. He will at once see his way—I use the vernacular of the Army—to “getting out of this beastly country, sir,” and buying promotion at one stroke. He will get a medical certificate, of that easy and convenient shape, that “a change of air to England will be highly beneficial to him.” He will look for an exchange to a regiment in England, and he will wisely choose one in which the lieutenant-colonel is within 18 months or two years of completing his time for retirement. Then, once exchanged—for which he will pay £800 or £1,000—he will begin to work upon the major senior to him, who alone stands between him and the lieutenant-colonel, the “falling in” of which I have said is a certainty in two years. He will represent in glowing colours the advantage of the higher pay of India. He will offer that major £1,000 or £1,500 to exchange out of his way, and in 10 months, by having paid £2,500, he will command his new regiment. Take another instance: An officer is junior major of a regiment of two battalions in India. He has, therefore, three majors and two lieutenant-colonels over him, or five field officers. As soon as this Bill passes, he will be at liberty, by paying a fancy sum of money, to exchange to a regiment of only one battalion at home. That at once reduces the number of field officers senior to him from five to two. In other words, he buys three steps of promotion at one operation of so-called exchange. But still further. If he makes a wise selection he will chose, as before, a regiment in which the lieutenant-colonel is within a short time—say two years, 18 months, or a year—of his time for retiring. In that case his one operation of exchange reduces the

number of those senior to him at one stroke from five to one. That is, practically, he buys four steps of promotion at one payment. And he buys, moreover, the chance of at any moment succeeding to the lieutenant colonelcy by a death vacancy, and it would be well worth his while paying for this bargain from £1,500 to £2,000, as was formerly constantly done. But take yet another case—that of a lieutenant-colonel, who is under the new rule, by which the command of a regiment is only to be held for five years. He has served four out of his five years. Then he will be positively overwhelmed with money offers to exchange into another regiment by majors who want, and can afford to buy, promotion. It will be well worth while to give him £1,000 to exchange, and to give their own lieutenant-colonel, who has four or five years to serve, another £1,000 to exchange with him, for it is certain that in 12 months he will give a step in the new regiment to which he goes, and this is always worth paying for. Will anybody tell me that this is not buying promotion? But I shall be told, of course, that there is a fallacy running through my argument, because promotion is now ruled by selection, and that, therefore, it would not be worth any man’s while to buy such a chance as I have pictured, because, after having paid the money, he would have no certainty of succeeding to the vacancy. To that, I answer, that though as a matter of supposition or theory, since the abolition of purchase promotion is supposed to go by selection, this is only a matter of theory. I should not exaggerate if I said that, in practice, selection is a pure delusion, a fiction. It does not exist as regards any practical effect on the promotion of the Army. I will give the House a few figures to show what selection amounts to. Sir, I hold in my hand a Return carefully prepared, and by it I find that from the 1st of November, 1871—the date when purchase was abolished—to the 31st December, 1874, out of 149 vacancies that have occurred in the Infantry of the Line in the rank of field officer, only 20 have been filled in the slightest degree otherwise than by strict regimental succession. But this is not the whole case. Of these 20 even, there were but three that could be called instances of selection. For the other 17 officers were of such senior standing in

the Army that there was no question of selection at all in their being chosen, for, even under the old purchase system, their seniority would have given them a claim to be thus brought in. The effect, then, during the last three years of a system of so-called selection has been simply to retain to those officers who had purchased up early in their career a continuation of the unfair advantages of the purchase system, even after that system had been condemned and attempted to be abolished by the country. And it is very easy to account for this—it is a matter in which the Commander-in-Chief can scarcely help himself. There is an opinion very prevalent and very popular in the Army, that until every officer has been paid down his regulation money—as long, in fact, as the State retains any portion of that money—every officer has a vested right to succeed to the vacancies that occur in his own regiment. I am not prepared to say that that mode of paying the regulation money down would not have been the best way of satisfying the claims of the officers. I am decidedly of opinion that it would have more satisfactorily solved the question, and undoubtedly it would have done so more speedily, and thus have got rid of all this protracted uncertainty and discontent. Nor am I in a position to say whether the authorities who administer the promotion of the Army do share that opinion of the officers, that they have a vested right of succession to regimental vacancies. But this I am certain of—that judging from facts in black and white, judging by their acts in the last three years, until you satisfy that opinion of the officers as to their claims, promotion by selection will continue to be, as it is at present—a mere delusion and a sham, a mere name used to throw dust in the eyes of the public; and that the intentions of the country as to rooting out the effects of purchase from the Army never will be carried out. And my main objection to the Bill is that not only does it perpetuate those supposed vested interests, at a time when they were gradually beginning to disappear, but it will do worse; by allowing money to be paid for exchanges it will create a new class of vested interests, similar to, and quite as difficult to deal with, as the original ones of the purchase system. For I maintain confidently that when

you have allowed an officer, as this Bill will do, to pay £2,000—or even £2,500—first for a favourable exchange in the rank of major from one regiment to another, and for then removing the major senior to him out of his way, it will be almost impossible—nay, I say perfectly impossible—morally to resist his claim to succeed to the command of the regiment. Who can deny that this is, and will be made, a direct means of purchasing promotion—by shortening, perhaps, by several years, the time that would otherwise elapse in passing from the rank of major to that of lieutenant-colonel? Sir, we are told that this Bill is introduced in the interest of the poor officer. To me it is a marvel how any true friend of the Army can permit himself to be deluded by such specious but transparent reasoning. I will put one consideration to those who think money exchanges would benefit the poor man. We have at least nominally abolished purchase. The country has come to see at last that the profession of arms is one requiring from those who would aspire to attain to eminence in it, not only special qualities of a high order, but the exclusive devotion of a lifetime of study and application. The next inevitable reform consequent on this discovery will be that the country, while rightly expecting a higher professional standard from its officers, will see that it is just and equitable that a highly-educated profession should be better paid. But if we have exchanges by purchase, this demand for higher pay can never be made, or if made, can always be evaded. Once let us have a system of money exchanges, and the poor officer can never complain of the insufficiency of his pay to enable him to live at home, for the obvious and ready reply to him will be—"If you cannot live in England, it is your own fault; why not exchange to India or the Colonies with some richer man, and put a few hundreds in your pocket at the same time?" I say that those are no true friends of the Army, or of the poor officer, who would thus re-open the door to enable the State to do that which it has always done under a purchase system—evade its just obligation to pay its officers properly by eking out the insufficient income of the poor officer—not from the public purse—but by forced contributions out of the pockets of his

Sir Henry Havelock

richer comrade. But, Sir, I have not yet done with the evils of exchange for money. One immediate effect of them—and I beg the House to ponder this well—will be to divide the Army into two classes, having separate interests—the rich officers and the poor ones. What will be the result? Why, that the poor men, consulting not their inclination but their necessity, will be all serving abroad in distant unhealthy climates, bartering their health and their lives against money, and the rich men will all be congregated in the near and pleasant Mediterranean stations, or in still closer and pleasanter proximity to Pall Mall and the clubs. At first sight this appears all that could be wished. The poor man fills his poor purse to the benefit of his family; the rich man finds military life made less irksome and pleasanter to him. But, Sir, what will be the effect on the efficiency of the Army—the nation's property, the nation's defence—in time of need? What will be the effect on the free career for talent which purchase was abolished to obtain? I have no hesitation in saying it will be most injurious, if not destructive. Immediately this division into classes takes place, then, as during the purchase system, all the benefits, honours, and distinctions of the service will come, as a matter of inevitable certainty, to the rich man; all the knocks, all the hardships, all the drudgery, to the poor one. It will be asked, how so? Just in this way. The rich man being always at or near home, near the centre of news and of interest, near the centre from which any foreign expedition must start, while avoiding all the wear and tear of foreign service in peace time, will be at the right spot for early asking for, and early grasping, all the loaves and fishes, all the increased opportunities of Staff employment, all the increased chances of distinction that war affords. But the poor man, in his distant colony, or in remoter India, after enduring all the hardships of climate, and of exile, and of monotonous toil in time of peace, will have the additional bitterness of forced exclusion from all the prizes of the profession in time of war, and will be left eating his heart out in compulsory inaction, while his more fortunate comrade—simply because he is the richer man—is on the spot to reap all the honours and rewards of

war. Is not this a monstrous injustice? Sir, if I speak warmly, it is because I say that which I know from my own bitter experience—my own, and that of my father before me. Others may forget; but I, as a son, cannot be expected to forget those long years of patient waiting in which my father, a student of war from his youth—whose capacity had been acknowledged by every General under whom he had served for 40 years—was debarred by such regulations as those I am now combatting; debarred, not from the opportunities of personal distinction, for that he never coveted for himself, but from that chance for which every impulse of his great heart beat—the opportunity of usefully serving his country in some great emergency. Sir, that opportunity came to him at last, but it came to him in advanced age, when his feet were already standing on the threshold of his grave; too late for the achievement of personal renown, not too late, I thank God, for the interests of his country. But, be it recollected, Sir, that but for the fortuitous circumstance that that great revolt occurred in the very country in which, by his poverty, his lot had been fixed; but for the suddenness with which the dreadful crisis followed on the heels of the first outbreak, even that opportunity would have been denied to him. Had there been more time, the usual rule would have been carried out. Some favourite of fortune, some veteran of Windsor and of St. James's Park, would have been sent out to supersede him in the command, and after a long life of patient service he would have descended to the grave unhonoured and unknown, without once having found scope for his talents on a larger scale. That example, Sir, should be a warning to England for all future time not to deprive herself wilfully of one-half of the richest inheritance she possesses—that capacity and ability that are to be found in all classes of her officers—in rich and poor alike—by imposing such conditions of service on her Army as practically restrict the chances of distinction in great European wars to the privileged few—such rules as practically make the prizes of the profession the exclusive appanage and property of the rich. Nobody will convince me that that is a desirable state of things to restore, or a salutary condition for our Army. To be

divided into two broad sections or castes—by force, not of capacity and talent, but of interest and of money. Once re-introduce the money element, and you cannot avoid, however good your intentions may be, giving the rich man an undue advantage over his poorer comrade. If you pass this Bill, within six months you will have purchase in full force again, just as before 1871; and all the money paid by this country in hopes of its abolition will be utterly and wantonly wasted. Sir, the right hon. Gentleman at the head of Her Majesty's Government said the other day, in resisting my Motion for the adjournment of this debate, that he was sceptical whether any fresh arguments could be adduced that would be "interesting." Sir, I venture to differ from the right hon. Gentleman. I venture to think that when this subject is properly understood—when it is seen to be what it really is—not a mere minor question whether officers shall or shall not be allowed to exchange freely, but a question involving the great and grave issue whether seven millions of money shall be spent for the purpose for which the nation has intended it, or shall, by an adroit manœuvre, be used to consolidate and perpetuate that very system of purchase which they were voted to abolish, then, I think, the question will assume for the taxpayers of England an "interest" far exceeding that of even any glowing romance that ever fell from his brilliant pen. I have trespassed on the patience of this House much longer than I intended; but this is a matter of vital importance to the interests—aye, to the very existence—of a nation, and no one is so qualified to speak on it as those who have practical knowledge of its working. Therefore, I trust the House will pardon me, in conclusion, one personal allusion I am about to make to my own experience. I have now had the honour to serve Her Majesty for 29 years, in peace and in war, in almost every part of the globe. During that time, first as a regimental officer, then for some years on the Regimental Staff, subsequently in both departments of the General Staff of the Army, I have had opportunities, seldom surpassed, of knowing the merits and defects of every part of our system. I only mention this for the purpose of saying that which I heartily rejoice to be able to say—that

at no time within my recollection, not even under the stimulus of actual war, has there been such a wide-spread, rapid, and at the same time solid advance made in professional knowledge and improvement among all ranks of our officers as during the last three years. The progress is more like the work of a generation than of three short years. From the oldest to the youngest, every officer is now earnestly doing his best to qualify himself for success in the noble profession to which he belongs—to fit himself for the coveted opportunity of being useful to his country in time of need. To what is this advance attributable? To the fact that you decided three years ago—wisely, but not one moment before it was necessary—to root out and sweep away for the future the baneful withering influence of the purse, and to substitute for it the juster, the nobler standard of professional excellence and merit. I implore this House not to check or to hinder this great and wholesome progress. Do not again divert the attention of your officers from their professional duties—to the ignoble gambling for shares in the promotion Stock Exchange. Do not, even for the supposed sake of some considerable advantage to individuals, again open the door to the jobbery and corruption, the unworthy underhand dealing to which our officers were, till four years ago, compelled—most reluctantly compelled—to demean themselves. It was no fault of theirs, mind. The officers did not establish purchase. It is even doubtful whether they in any way benefited by it. It was forced upon them. It was a bad legacy, like many other evils that we have gradually extirpated from our Constitution, an evil legacy from the base times of the Stuarts. Then do not force it on us again. I say it advisedly, it is better that the country should pay any sum that might be necessary out of the public purse to facilitate exchanges, than that this demoralizing and dangerous traffic between officers should be re-opened. Sir, I have shown earlier in my arguments that the desirable—nay, laudable—objects that the Secretary of State for War has in view—the greater facility for exchange—can be better accomplished by other and less dangerous means. I beg this House to resist this temporary pressure in favour of this retrograde change, revived

Sir Henry Havelock

and exaggerated by the unwise re-introduction of this Bill. Keep, instead, to the regulations now in force—relax them still further where it may be found to be necessary, and in six months any feeling on this subject will have passed away. The officers will accommodate themselves, as they always honourably and cheerfully do, to any decision that is manifestly in the interests of the public. And I will guarantee that your Army, raised by your wise determination to that true dignity of a profession, of a career open to rich and poor alike, kept by your sound judgment still un sullied from any trace of an ignoble and mercenary traffic, will reward the country, which has been so wisely jealous of its best interests, by increased results of efficiency and usefulness which shall eclipse, if that be possible, even its own rich historic record of honour and patriotism in the past.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that Regimental Exchanges may be properly allowed under official control; but that any legislation permitting a public officer to pay a sum of money by way of profit or bonus to another officer in respect of a bargain for the exchange of their offices would be injurious to the public service,"—(*Mr. Goschen*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR SEYMOUR FITZGERALD said, he was unavoidably absent when the subject was under discussion on a former occasion, but having since studied the speeches that were then delivered he was at a loss, and he was still so, to understand why a measure so simple and so just should have aroused the opposition that had been manifested in the House. The right hon. Gentleman at the head of the War Department in introducing the Bill distinctly disclaimed having, in the slightest degree, any wish or intention to interfere with the new system and of going back to the old system of purchase, and said that, if it were possible to do so, he would be no party to it. The right hon. Gentleman further said that he considered the new system irrevocable, and that he was prepared to stand by it

loyally and firmly. The Bill had come before the House recommended by the highest authorities connected with the administration of the Army, who considered that it was for the interest of the Army that exchanges should be permitted; fortified by the opinion of the Commission, of which the right hon. Gentleman the First Lord of the Admiralty was a Member; and 99 out of every 100 officers considered it was a proposal in the shape of an act of justice which, in the interests of the Army, ought to be conceded. One was therefore at a loss to understand why it should meet with so much opposition, and which was to be repeated upon every possible occasion. The right hon. Gentleman the Member for the City of London (*Mr. Goschen*), and the hon. and gallant Gentleman who had just spoken had certainly treated the question in a manner different from that previously adopted; but, though they both opposed the measure, the speech of the hon. and gallant Member had conclusively answered and demolished the arguments of the right hon. Gentleman whose Motion he seconded. He could only suggest as an explanation of the opposition to the Bill that as the Session grew older hon. Gentlemen opposite saw that the Government were in a position to introduce measures which commended themselves to the general acceptance of the country, and dealt with some acknowledged want or reformed some known evil connected with the social and universal life of the country. The Opposition were therefore in this peculiar position, that night after night they were obliged to accept these measures and express their approval of them; and therefore, unless they could find something to urge upon the country, their occupation was gone, because, their mission being to curse, night after night they were called upon to bless. The fact was, as one hon. Member opposite had said to him—one, too, whose opinion was held in high estimation by his Colleagues—"This Bill, at any rate, is the best horse we have in the stable; it is not a very good one, but we intend to run him on every occasion as long as he has got a leg to stand upon." That was the reason why this question had been treated as a Party question, and that was why there was to be such a continued battle about it. It was, at

any rate, the duty of hon. Members on his side of the House to show that there was no foundation for the assertion that the present Government was a reactionary Government, or that its intention by this Bill was covertly to re-establish the system of purchase. They must show that justice to the officers required that facilities for exchange should be increased. If this measure would lead to the re-establishment of the system of purchase, he would remind hon. Gentlemen opposite that before the new system was introduced the system by which exchanges could be made in consideration of money payments was more frequently followed in the non-purchase services than in regiments of the Line. In three years—from October, 1868, to October, 1871—there were 133 exchanges in the Royal Artillery, and only 260 in all the other regiments of the Army. Those figures showed that effecting exchanges for a money consideration was perfectly consistent with a system that entirely forbade purchase commissions, and also that in regiments, such as the Royal Artillery, where promotion was slow, it was there a natural consequence that a system of exchanges should exist. But, said the right hon. Gentleman the Member for the City, one of the great dangers of the Bill would be that it would lead to a system by which purses would be made in order to induce officers to retire. He believed that what the right hon. Gentleman meant by that was that in the case of an exchange being proposed between an officer at home and a senior captain, for instance, those who were under the senior captain would make a purse and induce him to effect an exchange because they would gain a step by so doing. He (Sir Seymour Fitzgerald) defied any officer of the Army to say, either from his own experience or from any amount of inquiry that he might make, that there was a single instance of such a proceeding. And even if such a thing was possible, it was just as possible under the existing system as it would be under the system to be established by the Bill of his right hon. Friend. Exchange under the Bill would be subject to strict regulations, and it was obvious that no such transaction as that the right hon. Member for the City supposed would be sanctioned directly or indirectly. With regard to

the objection of the hon. Member opposite (Mr. Campbell-Bannerman) that the Bill dealt only with the facilities which were to be given for exchanges among the officers alone—

MR. CAMPBELL - BANNERMAN said, he did not himself use that argument. It had been used by some one else, and on its being replied to by the hon. and gallant Member for Brighton (General Shute), he interposed a question to him on the subject.

SIR SEYMOUR FITZGERALD: The argument was, at any rate, distinctly dealt with by several hon. Gentlemen on the opposite side of the House. His answer to it was this—If a private in a regiment was ordered to India, before he could go he was examined by a medical inspector, and unless the inspection was satisfactory, the doctor immediately said to the private—"Stand aside; you are to remain in *dépôt*." But how with an officer? Even if he was ill he was called upon to go, and unless he could get his exchange he had to leave the service. When the right hon. Gentleman at the head of the War Office said that these exchanges were to be made simply upon military considerations he meant that, as far as the money part of the transaction was concerned, the War Office had nothing to do with it; but that, with regard to the position of any officer after such exchange, the authorities held themselves free to act solely on considerations of military fitness. Both the last speakers had represented the Bill as interfering with selection. Now, he confessed his inability to understand this, because he understood "selection" to mean that the officer next in seniority would not necessarily be appointed when a vacancy occurred in the command of a regiment, but that an officer would be appointed who possessed all the requisite qualifications for so responsible a position. Selection did not mean that a particular officer was the best man for a particular locality in India or elsewhere. Therefore, if one lieutenant-colonel sought an exchange with another lieutenant-colonel, one officer would be as good as the other, inasmuch as both had been selected for the responsible post of commander of a regiment. The present Bill could not re-introduce purchase in any shape or form; but he wished to point out that the existing system did

Sir Seymour Fitzgerald

not afford that proper liberty of exchange which was necessary for the well-being of the Army. Consequently, in justice to the officers, this Bill ought to be passed. Hon. Gentlemen opposite treated this as a question which must necessarily arise between the rich officer and the poor officer; but he entirely repudiated any such grouping, because there was no greater mistake than to suppose that the power of exchange was only sought by those two classes of men. He believed that exchanges had been constantly made between men of most moderate means, and that, in some cases, the exchange money was paid by the officer who could least afford it. The opponents of this measure erred in supposing that no exchange ever was made except because a rich man wanted to avoid a particular service which a poor man would be willing for a pecuniary consideration to accept; and the right hon. Member for the City (Mr. Goschen) spoke with great indignation of a letter which had recently appeared, in which an officer had said the circumstances were such that if he had no power of exchange, he would be obliged to resign his commission. It must constantly happen in the many changes of military life and in private relations that men, for reasons perfectly satisfactory, and without having anything to do with military considerations, were obliged to stay at home. An officer might be unable to undertake foreign service because he had a sick wife or sick children; because he himself had only just recovered from an illness; or because he had aged parents whom he might never see again if he went away to distant climes. Was it fair to say to a man in such a position—"You must not in any way hold out any inducement in order to get an exchange, and if you do not get an exchange you must leave the service?" For it should be remembered that an exchange without some inducement was only possible when it was just as important for one officer to remain at home as it was for another officer to go abroad. In other cases the balance could only be equalized by a pecuniary payment. One of the evils of the present system was, that the number of exchanges under it did not equal the demand. In the two years before the establishment of the system 157 exchanges took place, and in the two years succeeding only 97, so that

in those last two years there were about 60 per cent of those who probably would have exchanged if the opportunity had been afforded them. The exchanges now effected were precisely those which the authorities ought to encourage—namely, with men who liked Indian life, and who were inclined to stay in India for the sake of the higher pay. The right hon. Gentleman (Mr. Goschen) said the principle on which this Bill proceeded was that a poor officer might eke out his emoluments by the receipt of a bonus. In reality, the Bill was framed as much in the interest of the poor as of the rich officers; but, after all, the House ought to endeavour to promote, not the interests of any class of officers, but the well-being of the Army. At present an officer might be compelled to retire from a service in which he desired to continue, or else go to a distant country with a feeling that he had been unjustly treated. It might be true, as had been stated by the right hon. Gentleman the Member for the City of London, that several witnesses had said that they had in past times paid large sums of money for their exchanges, and that they looked forward to recoup themselves under the old system. But to make good such losses was not, he would beg to remind him, the object of the Bill. If such a case were to come under the notice of his right hon. Friend the Secretary for War to-morrow, he would justly point out that he had nothing whatever to do with anything but the military considerations involved in those transactions. He would, in conclusion, simply express a hope that the House would that evening give its sanction to the measure, and by a majority so decisive that they should be relieved of the menace held out to them of having this fight fought over and over again so long as the measure was before Parliament. He was quite sure the country would see that there was no danger of the revival of purchase, and that it was desirable that they should give contentment and satisfaction to their officers, and he was sure that this Bill would do more than anything else to restore good feeling and contentment.

CAPTAIN NOLAN said, that it struck him as somewhat remarkable that the hon. and gallant Baronet the Member for Sunderland, with, as he had reminded the House that night, a varied service of

29 years, had been able to point to but a single instance of the evils which it was contended had resulted from the former system of exchanges. That single instance many would be inclined to think was a peculiar and well-defined example of the good which might and often did accrue under the old system to officers more fortunate in possessing gallantry and ability than worldly means. The noble and brave father of the Member for Sunderland had—owing to the very circumstances which prolonged his stay in India—been afforded opportunities of serving his country in a high position—opportunities which it was needless to say he had nobly turned to the best account. True, he had died sooner than his compatriots would have wished; but he died on the scene of his glory, and under any circumstances it would have been hard to have attributed his premature death to the former system of exchanges, although it might on the other hand, be fairly argued that it was the fixing of his lot in India, of which the hon. Baronet had complained, that gave him the opportunity of reaping his harvest of renown. But able and experienced as was the hon. and gallant Baronet, it seemed that his mind had become saturated with the evils of the former Purchase system, until he looked at everything connected with the Army—even at exchanges, through a medium which gave a particular tint to all his views. As for himself (Captain Nolan) his experience in service was not indeed so long as that of the hon. and gallant Member for Sunderland, but he thought that the fact of his having always belonged to a non-Purchase corps gave him some advantages in attempting to calculate what would be the probable course of events in the Infantry and Cavalry, now that their working was changed from a Purchase to a non-Purchase system, over those possessed by the hon. and gallant Baronet. Now, first as to the argument of the Member for Sunderland, that promotion would be purchased under the exchange system. There were in the Artillery and Engineers over 2,000 officers, and while in the last 8 or 10 years hundreds of exchanges had been made in those corps, it was a fact beyond all contention that not one single step of promotion had been gained in either corps through exchanges. Again take the case of double

Captain Nolan

battalions—and exclusive of the Guards (who no more required a system of exchanges than did German or Austrian officers)—the Army reckoned 58 of such battalions—was it not unlikely, nay, impossible that a captain could in these, as had been suggested, make arrangements with the 19 captains who would be over his head, so as to purchase promotion? The same argument applied of course, with increased force to the subalterns of such battalions. But take even single battalions, was it likely that an officer could, in exchanging, negotiate with the nine captains which even there he would have to clear out of his path to secure his own promotion, and that, too, in defiance of every regulation. With the Cavalry, where sometimes there were as few as seven captains to a regiment, these difficulties, insuperable in the previous cases, became less, but still could only be vanquished if we supposed that there was no Secretary for War, or that the person occupying that position steadily insisted on keeping his eyes shut. It was, perhaps, conceivable that promotion could be thus purchased by majors and colonels of the Cavalry and Infantry—not, remember, of the Artillery and Engineers. But were the interests of over 10,000 officers to be sacrificed because a rule generally advantageous might, if great laxity prevailed at the War Office, be open to abuse by a special class of 600 or 700 officers? Was it not the proper course to pass the general rule for the great majority of cases, and to take special precautions to prevent the realization of abuses in the exceptional instances? The right hon. Gentleman who had spoken first to-night had said that vested interests would accrue under a system of exchange. Now, the only instance in which he specially advocated exchanges, or in which officers cared much, or at least vitally, about them, was when there was a change of stations, as from England to India, or to some distant colony; and these were instances in which, he contended, it was impossible that vested interests could accrue, for hon. Members must bear in mind that a regiment served for five years at home and for 10 abroad, and it had been specially pointed out to them by the right hon. Gentleman that time was necessary for the growth of a vested interest. How, then, could a vested

interest spring up in an exchange which during five years was constantly sinking in value, and which at the end of that time would have reached its minimum? But would not, in fact, an officer paying for an exchange, be purchasing a necessarily perishable commodity, in which it was impossible from the very nature of things that vested interests could arise. With regard to other remarks that fell from the right hon. Gentleman, he thought that officers would deem it—and with justice—hard that such attacks should come from the right hon. Gentleman? Whom did the right hon. Gentleman represent here? Who but the greatest body of traders that the world had ever seen?—traders, who in the interests of their commerce, had insisted on the Navy conquering almost every important maritime fortress on the globe, and had since called on the Army to garrison and retain these ports. But not content with this, these same traders had banded themselves into a Company, and conquered a territory of 200,000,000 population, which they again called on our Army to hold for them—while they sent here a right hon. Gentleman to prevent the officers of that Army from alleviating the heavy burthen which such a task entailed. The right hon. Gentleman had denounced the commercial notions of officers, but he should have remembered that if they exchanged their scanty hundreds, it was to lighten the toil necessarily incurred in procuring for the right hon. Gentleman's constituents the faculty of amassing their tens of millions—and yet to this the right hon. Gentleman objected, on the ground of high principle. There was another point:—Hon. Gentlemen who last year had shown no interest in the private soldier or the non-commissioned officer, said now—"Why not allow the private and the non-commissioned officer also to exchange?" Well, he hoped hon. Members would remember this when the question of the non-commissioned officers came on, as he hoped it would come on, this Session; but it was a fact that at present, most privates could almost choose where they would serve as between England and India, or the Colonies. A soldier enlisted for only six years, and he could choose either a regiment going to India, in which he could spend all that six years, or one just returned,

in which he would be sure of five years' home service. Officers had no corresponding power, and except by exchange could not in any way select their stations. The right hon. Member for the City of London alluded to the Lord Clyde argument, which he said had never been answered. Now Lord Clyde was a man of tolerably strong prejudices; he stuck to one regiment, going wherever he was ordered, and doing good service. An argument was drawn from Lord Clyde's career that an officer might become a good general by sticking to one regiment. But there was a greater man than Lord Clyde—the Duke of Wellington—who changed his regiment no fewer than six times before he became colonel. Therefore, it was within the bounds of possibility that a man might become a good general, even though he changed his regiments. Other specific instances had been brought forward, for example, that of Major Arbuthnot had been mentioned. Now the case of Major Arbuthnot was almost a typical one, as showing that it was not foreign service which the officer wished to escape, but rather the time at which such service was to be home. Major Arbuthnot had certainly of late obtained relief from foreign service by an exchange, but what were the true facts in his military life? Why, that he had twice been on foreign and active service during his previous career; that in one at least of these instances he had volunteered and had been promoted for good conduct in the field. Again early in the discussion, the hon. Member for the Border Burghs had pointed out the imaginary evils which might result to the service from an exchange between a specially efficient colonel, stationed on the North-west frontier of India, and a colonel stationed in, and just good enough for, a Cathedral town in England. Well, in 1815 colonels had been suddenly summoned from Cathedral towns to face a great master of war in Belgium. But let that pass. Suppose the Cathedral colonel inefficient—it would under any regulations for exchange be perfectly within the scope of the Secretary of State for War, to prohibit such an exchange on pure military grounds, which this Bill did not purport to affect. He would however give a converse case to that of the hon. Member for the Border Burghs to show that the present

prohibition of money passing beyond a certain figure in exchanges, was, sometimes, actually injurious to the service only premising that while the case of the hon. Member for the Border Burghs was imaginary, his was an actual one. A Cavalry colonel, known to be an extremely good soldier, fit not only for a Cathedral town, but for a campaign in any part of Europe, had been ordered to India. He had no special acquaintance with that country, and he had reasons for wishing to remain at home, so he applied to another Cavalry colonel, who was perhaps a little too much of a Hindoo, but who did not wish particularly to exchange. However, he said he would, if the War Office would allow him pretty liberal costs—not only the expenses of his journey and the outfit of his bungalow, but also the price of his horses. But the Secretary of State for War would not consent. And yet it would be a very difficult thing for any Secretary of State for War to determine what would be the cost of an exchange or an outfit. Sir Charles Napier had said that the outfit of an officer ought to be a piece of soap and two towels, but officers might have a different opinion. It should not be forgotten that the English Army was in a totally different position from that of any other Army in the world. Not 1 per cent of the Prussian or Austrian Armies were out of the country; and in Germany, officers might remain in a garrison town for 20 years, except for the 18 months they were on active service. Now the keenest men about exchanges were the officers of the Artillery and Engineers, because they were liable to be sent abroad twice as often as other officers. The latter had to go out with their regiments, but officers of the Artillery had to go abroad with their batteries and also whenever they were promoted. He hoped this Motion would not be pressed to a division. The proper course would be for those who had objections to the Bill to endeavour to modify and improve it in Committee.

COLONEL NORTH said, he was not surprised at the Motions of the hon. Member for the Border Burghs (Mr. Trevelyan) and the hon. Member for Glasgow (Mr. Anderson) to reject the Bill on the second reading; but he was surprised at the part which had been taken by the hon. and gallant Member for Bath (Captain Hayter) with refer-

ence to it, which was of so much importance to his brother soldiers, the more so as he belonged to a branch of the service who were not affected by this Bill, as their duties about the Sovereign confined their stations to London and Windsor, and occasionally to Dublin—he meant the Brigade of Guards—who were always ready and willing to go on foreign service, and who were sure to uphold the honour and glory of the country wherever they went. But he was still more surprised at the part which had been taken in opposition to the Bill by the hon. and gallant Member for Sunderland (Sir Henry Havelock). He had followed with great interest and delight the glorious career of the hon. and gallant Baronet's father; but he could not help thinking that if that distinguished officer were now alive he would not have approved the course taken to-night by the hon. and gallant Member for Sunderland. If there was any officer of the service who had obtained more by the system of exchanges than another, it was the late Sir Henry Havelock—and it was fortunate, both for his country and himself, that he was able to make them, as it enabled him to remain in India, which afterwards became the scene of his glory and his success. With regard to the speech made the other evening by the hon. Member for the Border Burghs, he must say he had drawn very largely on his imagination and stated as positive facts what required a little more consideration. For instance, the hon. Member stated that out of the whole Army 50 battalions were stationed in India, and only four or five were stationed at distant and unhealthy climates. [Mr. TREVELYAN: Where they did not get a large increase of pay.] There were two in China, three at the Cape of Good Hope—[Mr. TREVELYAN: I do not call that an unhealthy climate]—in Ceylon, Bermuda, Jamaica, the West African Settlements, the Gold Coast, Gibraltar, and Malta. There were no less than 24 battalions of the Army stationed in these parts, and yet the hon. Member for the Border Burghs said there were but four or five. Then the hon. Member said that if they passed this Bill commissions in the Army would be sold and bartered, and officers would be constantly changing from regiments in which promotion was slow to regiments in which promotion was rapid,

Captain Nolan

Lord Clyde himself had exchanged on four different occasions. The hon. and gallant Member quoted from the speech made against the Bill by the hon. Member for Stirling (Mr. Campbell-Bannerman), who suggested that the case of the poor officer should be met by an increase of pay, instead of in the manner sanctioned by this measure. A friend of his, struck by the sudden fit of liberality which had come over that hon. Member, remarked that the hon. Gentleman surely could not be the late Financial Secretary of the War Office, who had had an opportunity for several years of increasing the pay of the officers, but had not signalized himself by any such achievement. The opinion of the Duke of Cambridge was, that exchanges were freely permitted when individually desirable, and when they were beneficial to the public service. Sir Charles Yorke, for many years Military Secretary, considered exchanges to be personally and publicly advantageous; and Sir Richard Airey said they were of great advantage to the public and to individuals. In fact, exchanges were of great convenience to the rich officer, and to the poor officer of the greatest pecuniary importance, for a sub-lieutenant in the Army did not now get the pay of a journeyman carpenter. The hon. Member for Glasgow (Mr. Anderson) said the other night that in opposing the Bill he would be supported by the whole Liberal Party, led by their new Chief. He doubted that statement, knowing as he did that the noble Lord opposite (the Marquess of Hartington) had been Secretary of State for War, and must well understand the real nature of that measure. He could not understand why this should be made a Party question, for the Liberals had just as many relatives in the Army as their political opponents. The right hon. Gentleman the Member for the University of London (Mr. Lowe) the other night, in his eloquent peroration, declared that one of the three things which ought not to be bought or sold was the honour of a soldier. Well, it was the first time he (Colonel North) ever knew that the right hon. Gentleman took an interest in the honour and glory of our officers, and certainly during the period that he was Chancellor of Exchequer there was more injury done to the Army than at any previous time. The system of purchase,

having been done away with, would never again be restored, although if the measure abolishing it had to come on again he would offer it the same determined opposition as he did before. He sincerely hoped that the Bill would pass, for both the rich and the poor officers were entirely agreed as to its desirability.

MAJOR BEAUMONT observed, that the Secretary of State for War, when introducing the Bill, said that he would not have brought it forward if he had not been quite sure that it had nothing to do, directly or indirectly, with the question of the re-introduction of Purchase; but he differed entirely from the right hon. Gentleman upon that point. He believed that this Bill did re-introduce the system of purchase, and it would be a most difficult thing for the War Office to frame regulations which would prevent its re-introduction. A junior officer would find it a convenient mode of getting rid of his seniors—to ask them to exchange instead of buying them out as formerly. Officers who joined the Guards previous to the abolition of Purchase, and who had obtained the rank of captain and lieutenant colonel, were unable to exchange with officers of the same rank in the Line. Consequently, they were debarred from exchanging altogether; whereas the junior officers in the Guards would find themselves, after the passing of this Bill, in this position—that the value of their commissions would be increased not from any question of purchase, but because of the social advantages of the service, and the pleasanter conditions in which they were placed. The same argument would hold good with respect to commissions in the Cavalry and commissions in the Line. Officers would choose to exchange from the less favoured to the more favoured regiments; and, if so, would they not pay money for it? Therefore, it could not be said of a Bill which would have the effect of stamping commissions with a value which they had not before, that it would not have a great tendency to purchase. He maintained that it would. It was true that the amount of money passed under the new system would be as nothing compared with the amount which passed under the old system, but the principle would be the same. There were special circumstances in the re-introduction of

purchase which would tend to its extension, and, at the same time, it was likely to prove a source of practical embarrassment to the War Office. Foreign Governments recognized the principle of exchange in connection with their armies, but they did not permit payments between the officers. The thing was unknown in foreign service. The Secretary of State for War shook his head; but, for his own part, he was not aware of any instance of the kind. He was free to admit that there were circumstances which rendered the condition of officers different from those which obtained in other branches of the service and also in other Armies abroad; but that difference, he maintained, was not such as to warrant the re-introduction of a system which, at any rate, a large number of Members considered to be fraught with such important and disastrous consequences so far as the principle was concerned. The whole of the arguments in favour of this Bill had turned on the word "convenience." If it were true that the convenience of the Army would be consulted, and that the change would tend to the interests of the State, he should have been happy to give his vote in favour of the Bill. He was willing to admit that the convenience of officers might be consulted to a certain extent, but it became a question of degree. The Secretary of State for War had alluded to the number of regimental exchanges that had taken place in the two years previous to the abolition of purchase, stating the number to be 159, as against 97 in the two subsequent years. These were regimental exchanges, and to these would have to be added a number of others, though the regimental were the more numerous. According to that statement the number of officers whose convenience would be consulted by the passing of the measure was insignificant. The inducements to officers to exchange divided themselves into two classes. One was represented by officers who exchanged for some reason connected with their health, or because they disliked their regiment and wished to serve elsewhere. To that class of exchange, Members could not reasonably object on either side of the House. The provisions of the War Office were such that not only was there no veto placed on such exchanges, but the War Office went further and said that any reasonable amount of money

paid for such exchanges was legitimate. But there was a second class of inducements to exchange. There were pecuniary reasons. A great deal had been said about the abstract question of justice as between the richer and the poorer officers. He believed that exchanges of that kind, when sanctioned, were perfectly consistent with honourable feeling; but it was a great question whether sanction ought to be given to the principle that was involved. There was one class of pecuniary reasons which was of a somewhat peculiar character. It reversed the ordinary current where the rich man paid the poor man, because the poor officer would in this case pay the rich, expecting to recoup himself by the emoluments of service in India. But he put it to the House whether it was desirable that speculative exchanges of that kind should be encouraged? His own belief was that it was not desirable, and that money paid for such exchanges would be likely to prove anything but satisfactory to those who paid it. When we had deducted the number of officers who would exchange in that manner, and when it was taken into consideration that there was a considerable proportion of exchanges which were not objected to on either side of the House, there was really a very small residuum of exchanges which would be affected by this Bill; and looking to the small amount of convenience which officers would derive from it, he maintained that it was not to be compared with the disadvantage that would accrue to the public service by the introduction of a system which, at any rate, a large number of the Members on the Opposition side of the House regarded as immoral in principle and unsatisfactory in its working. He did not wish to say anything on the sentimental aspect of the question, to which the hon. Member for the Border Burghs (Mr. Trevelyan) had done full justice. He felt perfectly certain that whether the system of purchase were or were not the law of this country, English officers would always be found to do their duty honourably and straightforwardly whatever the circumstances under which they might be called upon. But there were practical considerations which suggested themselves in the consideration of this Bill. It was not, in his opinion, a desirable course of legislation to stimulate exchanges. Apart from what had been said about

Major Beaumont

officers running away from their regiments, whether in presence of an enemy or of sickness, there was no doubt that officers and men had greater mutual confidence and esteem if they knew each other and were associated with each other in every-day life; and on that consideration alone a system which had for its effect to stimulate exchanges was not one to commend itself to ordinary judgment. He should like to know what the Secretary of State for War would say in reply to this—how officers on half-pay for meritorious services were to be placed on an equality with other officers who, after the passing of this Bill, could exchange. The last argument he would use against the Bill was not the least important. Lord Cardwell used to point out to this House how it was that Purchase stood in the way of Army reform, and how it was that he was tripped up on this question of Purchase in everything he did for the good of the Army. It was complained of at the time that the House was called to pay £8,000,000 to redeem the Army from pawn; and, for his own part, he thought it would have been far better that the scheme of organization should have come in first and should have led up to the necessity for the abolition of Purchase. That was his view at the time; but he consoled himself with the idea that he should be able to justify his vote in favour of abolition by saying that he had helped to redeem the Army from pawn in such a sense that Purchase could not come back again, and that the way was clear for a comprehensive scheme of Army reform. Since the passing of the measure for the Abolition of Purchase he had been somewhat disappointed; because, instead of the Army having been welded into an harmonious whole, as they had been promised it should be, nothing had been done beyond the establishment of a certain fanciful connection between the Reserves and the Regular Forces. The re-organization of the Army was not a question to be determined according to Party politics, and he should have been equally ready to accept any good scheme of Army reform from right hon. Gentlemen opposite as from those who sat before him. He regretted, however, to find that the first important step that the right hon. Gentleman had taken in the matter was to return to the purchase

system which the country had paid £8,000,000 to get rid of. If this measure became law, it would prove a complete bar to all future Army reform, and he regretted extremely that it had been introduced, and it would tend to resuscitate in the Army ideas that could never be realized. He was sure that the vote of that House to-night in favour of this Bill would have to be undone by future legislation.

SIR CHARLES RUSSELL reminded hon. Members opposite as a proof that the system of exchanges would not conduce to the re-establishment of Purchase, that that system had been in force from time immemorial in the Artillery and the Engineers, in which the Purchase system had never been adopted. Being desirous of obtaining information from practical men on this subject he had put certain questions to the manager of Messrs. Cox and Company, who had been in their establishment upwards of 50 years, and who was in constant communication with officers of all ranks. The statement of that gentleman was to the effect that he saw no possible way in which exchanges could re-introduce the Purchase system—the two subjects being quite distinct; that he regarded the question of exchanges as essentially one affecting the poorer class of officers; there being always four or five times as many men anxious to exchange as there were men who wished to offer a money equivalent; that under the old system the poorer officers were always anxious to exchange in order to enable them to obtain the funds for supporting and educating their families, that many restrictions used to be put upon exchanges on the part of the military authorities; and that in no case had he known a man who had exchanged into a home regiment who had been permitted to exchange again when that regiment was ordered abroad. He had 1,200 accounts under his charge, and, in his opinion, the whole Army was dissatisfied with the present condition of affairs as regarded exchanges, and looked forward with satisfaction to the passing of this Bill. If this Bill were to be rejected the military authorities had better at once prohibit all officers below the rank of Field Officers from marrying. He (Sir Charles Russell) would remind the House that when an officer wished to exchange he had to go first of all to his colonel, and,

if he gave good reasons enough to satisfy him, he then had to apply to the Commander-in-Chief. Now did the hon. Members opposite mean to say that the Commander-in-Chief could not be entrusted to say who ought to exchange and who ought not; because, if so, how was it that they entrusted him to say who was fit for promotion, which was a much more important matter than exchanges? A good deal had been said as to the convenience of officers being the sole matter considered, and it had been asserted that when once a pecuniary consideration had passed, almost exclusive regard was paid to the wishes of the officers concerned. Well, on that subject he might be allowed to say that he had once exchanged. He was under orders for foreign service, but being ill at the time he applied to the authorities for leave to exchange, and did exchange with an officer junior to himself in the regiment. Before he sailed news reached England of our difficulties with Madagascar, and the draft of the regiment was ordered to be augmented. He was, as he had said, very ill at the time and obliged to keep his bed; but, notwithstanding that fact, he could not touch the hearts of the authorities. The service, and not the convenience of officers was the one thing to be considered, and he actually sailed in the same ship, with the officer with whom he had exchanged. He had the curiosity to examine some Returns on this subject which took place from 1866 to 1873, and found that during all that time only one exchange took place in every year. If there was any desire on the part of certain officers to take advantage of their wealth or position, the vigilance of the authorities was sufficient to check and control any such desire if it existed. The right hon. Gentleman the Member for the City of London (Mr. Goschen) stated the other day that officers were degraded by such exchanges. He, for one, did not feel at all degraded by the fact that his father had paid £100 to an officer who was willing to exchange with him. The right hon. Gentleman asked what would be thought of a Judge who wished to exchange from the Court of Queen's Bench to the Court of Common Pleas—but as the Judges complained of the heated atmosphere and want of ventilation of those Courts the exchange would merely be from one bad smell to another. He would mention a more apposite ex-

change. Suppose a County Court Judge in Northumberland, with a sickly wife, desired on account of her health to exchange to Devonshire, and paid a sum of money on account of the difference in value of house property, but did so with the sanction of the Lord Chancellor, could such an exchange be objected to, or would the Judge be degraded on account of it? Would a clergyman be degraded who exchanged from a country parish to a wider sphere of usefulness in London, or from London to the country on account of the state of his health. He could not think so, and how, he asked, was an officer of the Army degraded when, for sufficient reason, and with the sanction of the authorities, he exchanged? Did the House really believe, said an officer to him in a letter the other day, that Lord Penzance, Lord Justice James, and Mr. Hunt would have reported in favour of the system if they had not thought it necessary? The opposition to it was a party one, and was calculated to shake the confidence of the Army in those on both sides of the House who had to administer the affairs of the nation. He rejoiced that this Bill would pass into law, because it was a fulfilment of promises which the Conservative Party made so freely at the General Election, promises which were fully and practically endorsed by the country—namely, that no profession should any longer be needlessly harassed.

SIR WILLIAM HARCOURT said, he was not astonished that his hon. and gallant Friend the Member for Westminster (Sir Charles Russell) should have introduced the high authority in favour of the Bill of the principal clerk of Messrs. Cox, the Army agents, because they might depend upon it that when the Bill passed into law, Messrs. Cox and Co. would be the most influential authorities on the subject of the British Army. The Secretary of State himself and the Commander-in-Chief would have to bow their heads in deference to the accomplished clerk of Messrs. Cox, the Army agents; and those 1,200 accounts which his hon. and gallant Friend had paraded before the House would no doubt be largely increased by the exchanges to be negotiated by them under that Bill. He would not have taken part in the debate were it not that he had had some practical experience of the operation of ex-

Sir Charles Russell

changes upon regiments in Her Majesty's Service. It had happened to him, in his professional capacity, some years ago to be concerned in an inquiry into the condition of one of the most famous and celebrated regiments in the service of the Queen, which was placed in the unfortunate position of being called back from India very shortly after it had been sent there, in order that it might be tried, he might almost say, at the bar of public opinion rather than by general court-martial, which was the instrument of that inquiry, by the order of the Commander-in-Chief; and he had no hesitation in saying that the unhappy condition of that regiment was produced principally by the operation of exchanges. He would state, not a theoretical case, but the practical result of the system of exchanges at a recent period, authorized by military authorities both of England and India. The regiment in question was ordered to India at the height of the Indian Mutiny. Shortly before it left its colonels retired, not by exchange, but on half-pay. Within three years of the time the regiment went to India, it had three separate colonels; and it lost its major, five captains, two lieutenants, its doctor, and its paymaster, through the system of exchanges. What was the result of these exchanges sanctioned by the military authorities? At a period when the regiment required the moral support of its officers more than at any other time, it was left to itself by the mass of them, and they were replaced by strangers to the regiment. Hon. Gentlemen opposite were great admirers of the regimental *esprit de corps*. If selection were introduced it was considered a bad thing, because it destroyed the *esprit de corps*; but if it were destroyed by money, that was all right. What an outcry there would have been if a famous regiment had lost its colonel and its officers by the principle of selection; but when the same effect was produced by pecuniary considerations, under the sanction of the military authorities, it was all right, and was an admirable system. What happened with regard to the regiment in question? The officers quarrelled with each other, and some of them caballed with the non-commissioned officers. ["No, no!"] At all events, that was the sentence of the Commander-in-Chief, who removed

them from the regiment. The colonel, who was brought home to be tried, and who had exchanged into the regiment, was acquitted, but the other officers, who had also exchanged, were removed from the regiment, and that was the result of a system which by this Bill the Government were wishing to encourage and promote. Memorandum after Memorandum was launched at that regiment after it went to India—a regiment which up to that time had never had an aspersion cast upon it by the military authorities. That was his answer to the hon. and gallant Gentleman when he said how could they suppose that mischiefs would happen under the control of the military authorities. He gave that as a practical answer to the challenge put forth by the hon. and gallant Member for Westminster. It was very remarkable that these circumstances occurred immediately after His Royal Highness the Commander-in-Chief had given evidence before the Duke of Somerset's Commission, in 1857, when His Royal Highness said it was entirely in the power of the military authorities to control exchanges, and they would be so controlled. It was proved, however, that the military authorities were unable to control these exchanges as soon as pecuniary considerations were introduced into the matter. The recollection of that case would cause him to vote against the Bill. The great and only argument really adduced in favour of the Bill was the recommendation of the Commissioners. Now, he had a great respect for the eminent men who formed that Commission; but when it was alleged that their Report ought to be conclusive, he must adopt a legal phrase and say that there never was a finding more out of the Order of Reference. The question they had to consider was what compensation should be made for the abolition of Purchase; and if they had recommended that Purchase should be restored, they would not more have exceeded their authority than by recommending the sanction of exchanges. Their Report brought a considerable amount of pressure to bear upon the Secretary of State for War; but the House must examine this matter for itself. He looked for the case in favour of the Bill in the speech of the right hon. Gentleman (Mr. Hardy). He made a distinction between exchanges and sale. But barter where

money passed was just as much a sale as in any other case. But then they were asked to pass this Bill for the sake of the asthmatic officers. He hoped that asthma did not prevail so extensively in the British Army that it was necessary to have a Bill for the sake of the asthmatic officers. Then there was the great tailors'-bill argument. That was of more extended application. This was a Bill, according to the right hon. Member, to take young gentlemen who had lived a little too fast out of pawn and make them available for the service of the country. It seemed to him that this was a better argument for post-obits than for exchanges; and for himself he was unwilling to see Her Majesty's Army turned into a court for the recovery of small debts for even the most respectable tradesman. But that was not the real object of the Bill. The real object was described by the hon. and gallant Member for Christchurch (Sir H. Drummond Wolff), who said he must protest against the attempt to run down fancy officers. The hon. and gallant Member said—

"It was expedient that country gentlemen having county influence, and others having independent fortunes, should be encouraged to enter the Army for a short time for the sake of benefiting themselves by its discipline."

It was not that the Empire should be defended, but that country gentleman should be benefited by discipline.

SIR H. DRUMMOND WOLFF explained that what he had said was that the country gentlemen would be benefited by discipline, with the object of taking the command of regiments of Militia and Volunteers.

SIR WILLIAM HARCOURT said, he had these words on his notes, and was coming to them if the hon. and gallant Member had not interrupted him. His object was, not that the country gentlemen should go and serve their Queen and country in any part of the world, but that they should become good officers for the Militia and Volunteers. That reminded him of the famous jest made by William Pitt in 1803 on the passing of the Militia Bill of 1803—that certain corps seemed likely to act up to the tradition that they were "never to leave the country except in case of actual invasion." That was why it was to be reserved for country gentlemen to benefit by Army discipline. There was the true old Tory ring about

that candid statement of the object of the Bill. We had only lately emerged from the time when the theory pervaded the public service that every Department was kept up for the purpose of benefiting country gentlemen of great county influence. The Tory Party had received an education which had much improved it, and under a wiser system we had abolished privileges of this kind in every other part of our public service and social life, and it was in the Army alone that they were proposed to be restored. They once said that if Purchase was abolished no English gentleman would ever enter the Army. ["Oh!"] Well, at all events, it was said it would discourage them from entering the Army, but it had not done so; and it showed that the estimate of the spirit of English gentlemen on his side the House was much greater than that of the present Government. That was the true history of the Bill. The hon. and gallant Member for Christchurch (Sir H. Drummond Wolff) had let the cat out of the bag, and that was why the Bill was so enthusiastically supported on the other side of the House. The hon. and gallant Member for Westminster (Sir Charles Russell) said, that the Bill was demanded by the Army. He dared to say it was. The House had heard that it was convenient to every branch of officers, and no doubt every profession liked to have its business conducted in accordance with its own convenience. On the part of the legal profession, he protested against the sales and exchanges so kindly recommended by the hon. and gallant Member for Westminster. Indeed, these things could not be defended by gentlemen of high character and feeling, unless their opinions had been warped by the long-established system of money Purchase. The old boroughmongers were not worse than others; they could not understand what possible objection there was to selling a seat in this House; in like manner the old sinecurists could not understand why a man should not have £5,000 a-year for doing nothing; and it was not until some time after these things had been abolished that everybody came to understand how bad they were. The most remarkable feature of the debate was that nearly all the Gentlemen who supported the Bill were in favour of the Purchase system, and the

Sir William Harcourt

hon. and gallant Member for Oxfordshire (Colonel North) said he hoped to see it restored. The Secretary of State for War did not say so; he said he did not wish to restore Purchase; he said he should be dishonest if he attempted to restore it; but after the arguments that had been used, especially after the weighty statement of the hon. and gallant Member for Sunderland (Sir Henry Have-lock), the House and the country had a right to expect from the Secretary of State for War a more solid explanation of the manner by which we were to be assured that Purchase was not to be restored. The hon. and gallant Member for Westminster (Sir Charles Russell) could not understand how it was possible to restore Purchase; but the possibility could easily be explained. Suppose there was a junior captain of a regiment in India, or of a regiment in England just about to go to India, and there was a regiment, a favourite regiment, which had just come home. The junior captain knew the probabilities were that, in a short time, exchanges would occur in that regiment, and that if he entered it, he would have a greater chance of rising in it than he would have of rising in a regiment differently circumstanced, and if he entered it by purchase it was purchased promotion. What was to prevent the same gentleman, without its being known, communicating with a friend in India, and by private negotiation purchasing another step? Indeed, he might go on purchasing step after step; Mr. Cox would manage it for him admirably; and, under cover of this system of exchange, he might purchase his way to the top captaincy, exactly as if the system of Purchase still existed. What was to prevent a man who knew the colonel of a particular regiment paying a large sum for an exchange into it, on the chance of promotion. True, he would not be certain of it; but *ceteris paribus*, as a good man, he would have the chance of the next step, and that would be purchasing promotion just as much as if Purchase existed. The power of exchange would give a money value to a commission when it was granted. A lady might ask for a commission for her son to enable him to pay his tailor's and other bills; and she might obtain a commission in an expensive regiment, which might be exchanged for money

immediately. That would be giving money just as much as if it were given in cash. Nothing would prevent these things, for nothing would be known about them; and the right hon. Gentleman said he did not know anything about them. One good man would exchange with another, and whether £1,000 or £2,000 had passed nobody would know. He took it for granted that the officers of the Guards who gave evidence before the Commission represented the opinions of the Guards. If they did not, it was odd that those who entertained opposite opinions did not give evidence; and every one of the witnesses claimed a vested right in sale and exchange, not subject to military circumstances at all. Their language was express on the subject; they said they had a right to recoup themselves by exchange, and that exchange was the certain resource of the officer in the Guards or Cavalry in time of need. What became of military discretion when this claim was made? This Bill was to give this right of exchange, and to attach a value of £2,000 or £3,000 to a commission. It was not denied that exchanges ought to be permitted; but the question was, why they should be made for money? Was money necessary? That was the real question. It was not alleged that any exchanges which were desirable on military grounds had been prevented by the present system. The system of one officer paying another officer's cost of transit was a bad one; he would rather see the cost borne by the country. The Secretary for War gave three instances when exchanges ought to take place; first, when an officer found himself in a regiment he did not like; secondly, when an officer wished to serve in a regiment in which his father had served before him; and, thirdly, when an officer wished to go to a regiment where he had friends, or which represented his nationality. But all that they did for the private soldier, without any money passing, and could they not do it for officers in the same way? If the passage of money was unnecessary, did it not do harm? Did the "fancy officer" do no harm to the British Army? The Report of the Duke of Somerset's Commission, to which the first three names attached were those of Somerset, Stanley (Lord Derby), and Sidney Herbert, said—

"The system attracts to the service idle young men who, having money at their disposal, regard the Army as a fashionable pastime for a few years of leisure, and bring with them habits of excess and dissipation injurious to discipline and embarrassing to their fellow-officers, who are often forced to leave the regiment where such extravagant modes of living prevail."

That was their opinion of the "fancy officer." He made it difficult for the poor man to remain in a regiment; and this was the poor man's argument against exchange. As the hon. and gallant Member for Sunderland (Sir Henry Havelock) said, the system of exchange furnished a return flow-pipe, for poor men who made room for rich men. When the "Battle of Dorking" came, he should be sorry to think the British Army was divided into two classes. In the old days there were regiments called the "Die Hards;" he should be sorry to think there would be regiments called the "Living Invalids." He should be sorry to think that when that battle came to be fought, the security of Great Britain depended mainly on soldiers who had not studied the science of their profession in the best schools—that of foreign service, whether in India or elsewhere. An hon. and gallant gentleman (Captain Nolan) said, that the English Army was in a different position from that of any other country. Now, there was another Army—which was on our Indian frontier, or near it—which served in climes quite as trying, and in places quite as inhospitable, and under skies quite as severe as our own—he meant the Russian Army on the shores of the Caspian. It was, however, only the English Army that asked for that which the Russian Army would feel ashamed of if it were a part of their system—exchanges for money value. Such exchanges, he might add, were never permitted in our old Indian Army, and General Vivian, an old Indian officer, in evidence before the Commission, stated that on account of the superiority of some stations in that country to others, to have allowed them would have created great heart-burnings in the Army. Why, then, was it sought to make exchanges universal in the English Army on the same ground? Again, let him ask what sort of officers we got abroad by the system of exchanges? He knew there was a theory, which was to some extent a favourite one with many hon. Members in that House, that the sort

of young gentleman who wanted to pay his tailor's bill was the best man that could be procured for the Army; but Sir Colin Campbell, the late Lord Clyde, when asked what sort of men exchange gave, and whether he thought frequent exchanges would produce a bad effect, said that, in his opinion, they did injury to the service, though they might be a benefit to the individual. Those men who went out to India merely in order to get increase of pay he did not regard as the best sort of officers. Such was the opinion of one who was himself a distinguished soldier; and, indeed, of purchased substitutes every army in the world had shown itself anxious to get rid. He had the good fortune to have heard a great speech which had been some time ago made by General Trochu on the organization of the French Army, and a great part of it was taken up with a statement of the injury which was done to the Army by the system of purchased substitutes. Anyone who read the Report of the Commission could not fail to be struck, he might add, by the evidence of Colonel Bray as to the way in which poor officers were obliged to "watch the market." He confessed that that sort of huckstering tone reminded him of a passage with which hon. Members were familiar in *Romeo and Juliet*, when Romeo, going to the unfortunate Apothecary, said—

"Art thou so bare, and full of wretchedness,
And fear'st to die?"

Then the Apothecary replied—

"My poverty, but not my will, consents."
Romeo. "I pay thy poverty, and not thy will."

And then, being a fine gentleman, he bade him a courteous farewell. Now, that was, he confessed, a sort of language and spirit which he should be sorry to see introduced into the British Army. For his own part, he strongly objected to it. *Nec cauponantes bellum, sed belligerantes.* The House had heard a great deal of the *ad captandum* argument of the poor man, and poor men, no doubt, very often found it very desirable to get money by going out to India; but there was a poor man whom the Bill did not help, but whom it would destroy. He referred to the poor man in India who wanted to get home. Now, if once the proposed system of exchanges were established, no officer unless he was rich could come back from India,

Sir William Harcourt

so that the very man who was most entitled to consideration would be absolutely excluded from the advantages which it was proposed to confer. That was his answer to the poor man's argument. Beyond that the Bill would, he contended, interfere with the *disponibilité* of the British officer; although, of course, he would have no absolute right to refuse to go wherever he might be ordered. But he wished the House to take a larger view of the question than the mere convenience of a few individuals. He should like to ask what would be the probable effect of the proposed system on the great mass of private soldiers in the Army? ["Oh, oh!"] That was surely a question which they would not be ashamed to discuss, for it affected the most important branch of the Army. The private soldiers of our Army were, he was thankful to say, not what they were. [*Laughter.*] He did not know why hon. Members laughed. There was no class which had more improved in recent years in character and intelligence, and it was for that reason he asked what they were likely to think of the measure before the House? They were men who did not take for granted as they did 40 or 50 years ago that persons of rank and wealth and station should be placed in exceptional positions. They reflected on such things, and the House was bound therefore to consider the effect of a measure like the present upon their minds. It was said, indeed, that exchanges were never effected in the presence of battle or war; but was heroism confined, he would ask, to facing the bullets or the sword? Was there not as much fortitude and courage required to face the swamp and the hospital? ["No, no!"] The hon. Gentleman who cried "No, no" must be one of those soldiers described by the hon. and gallant Member for Christchurch; but did they not think that want of fortitude of the two descriptions he had mentioned exercised also a depressing, discouraging, and a demoralizing influence on the discipline of the Army? When the men went to battle with their lives in their hands day after day, what would they think of their officers dropping away one by one under the institution of this exchange system? Well, he knew of a regiment in which three colonels, one major, and five captains left it in three years, and what

would the men think if such a system as that was practised under the encouragement of a Parliamentary measure like this, which enabled officers to return to their pleasant homes while they, the men, were left in the jungle and the desert to die? Such a system would be void of that which they had heard described as *esprit de corps* in the Army. These were considerations which, if they did not recommend themselves to hon. Gentlemen opposite, he at all events regarded as worthy of the serious attention of the House. The men to whom he referred left their regiments, not because they were disabled or invalided, but because, in the language of the Commission, they were "more blessed with this world's goods than the men whom they replaced." ["Divide!"] If hon. Gentlemen opposite thought they would stifle discussion, they were mistaken. But if the men had an unfavourable opinion of the officers who left them, what would they think of the officers who came to them—officers who came to them, not because they specially preferred the service, but because they were paid for it; officers who came to them, not for love, but for money? And if that was the effect upon the regiments abroad, what would be the effect upon the regiments at home? Of the new officer all the regiment would know was that he was a man who had paid a sum of money to come to them in order to avoid hardships elsewhere which he did not like to endure. [*Murmurs.*] Well, was that true or not? ["No, no!"] Was it true that an officer paid money in order to exchange a disagreeable life for an easy one? And if these were facts, they might depend upon it the private soldier would know them. But what would a regiment say of the man who left them? They would say—"He was a man whom we knew and liked, and whom we would have followed anywhere; but he has been bought away from us." And thus, by the double operation of the system, two regiments were demoralized. These were the reasons why hon. Gentlemen on that side of the House opposed this Bill, probably—perhaps certainly—in vain. The Ministry had, no doubt, a majority; but no hon. Gentleman ought to know better than those who sat opposite that majorities were ephemeral. On his side of the House they thought they had settled the ques-

tion two or three years ago. Hon. Gentlemen on the other side had, however, the power to disturb the settlement, and also, he was sorry to say, the will to disturb it. If they did, the Opposition must submit to it; but submission was not acquiescence; and they would not cease to protest against a system which they were convinced was injurious to the military spirit of the British Army. They knew—and there were sagacious men on the Conservative benches who knew—that the tide of public opinion on this subject was already on the turn in their favour. And they would appeal to the enlightened judgment and the deliberate conviction of the nation upon a course which they believed to be injurious to it. They had been accused of dealing with this as a Party question. The hon. and gallant Member for Westminster (Sir Charles Russell) had said this Bill was in redemption of the pledges of the Conservative Party at the hustings, and that looked like treating it as a Party question. The hon. and gallant Member for Brighton (General Shute) had said that it was one of the main causes which gained the Conservative Party a majority at the last Election. That surely looked like making the Army the subject of a Party question on the Conservative side of the House. If by saying that the Opposition had treated this as a Party question hon. Gentlemen opposite meant that they had used it in order to embarrass the Government or harass the Army, they made an accusation against them which was unjust. When they dealt with the question, he did not recollect that they ever directed against their opponents such imputations. They thought the Conservatives were mistaken; but they never ventured to say they were unpatriotic. In one sense, indeed, this was a Party question. The differences of parties were in some respects strongly marked, and they depended on the antagonism of great principles. If that were not so, Parliamentary contests would be a mere ignoble scramble for place. There was a distinction of Party in matters of principle, and the Bill raised it in its strongest and most decisive form. The Conservatives were the party who, historically, had been defenders of exclusive privileges, the upholders of traditional monopolies. The principles which the Liberal Party upheld were opposed to all those things.

Sir William Harcourt

Century by century, and year by year, the Liberal Party had fought these questions, and, thank God, they had fought them successfully. They had struggled against exclusive privileges and traditional monopolies, and especially against the most ignoble of all privileges, the most unjust of all monopolies—those which were purchased by money. They had sought equality—not the social equality which Revolutionists dreamt of, but equality before the law, the equality of all classes and ranks in the service of the nation and of the Crown. It was because this Bill militated against those principles that he and his hon. Friends were irreconcilably opposed to it. It was because it tended to establish a monopoly and the privileges of wealth that they would vote against it. They opposed the Bill, not because they respected the Army less than did the Conservatives, but because they thought their own view of that which was conducive to its interest and its honour was higher and better than theirs. They resisted this measure because they were sincerely convinced that it was unsound in its principles, and that in its results it would be injurious to that noble profession upon which, in no small degree, depended the reputation of the English name and the fortunes of the English Empire.

MR. DISRAELI: This question has been discussed for two nights—too much, I think—in the light of whether Purchase or non-Purchase is the better system, and whether the Bill has a tendency to return to the arrangements which were abolished two or three years ago. I would rather consider the Bill in this light—Is it a measure which tends to increase the efficiency of the British Army? Now, Sir, I think that before we can come to a right conclusion on that head, we must place before us the changed position of the British officer which since that measure to the hon. and learned Member for Oxford (Sir William Harcourt) has just referred, was passed. The British officer, before the measure for the abolition of Purchase was passed, was in this situation—that he had, as it were, a mortgage on his commission. In case he was called upon for any particular service, which, for various reasons, he might not wish to pursue or accomplish, he had to recollect that, if he asserted his independence and followed his own

will, he might incur, and indeed would of necessity incur, great pecuniary loss. But what is the position of the British officer now? It is one of complete independence, and I myself do not lament it; because, notwithstanding the numerous imputations and allusions made by hon. Gentlemen opposite to the opinions of this Bench, I never opposed the Abolition of Purchase. Well, the British officer, if he is ordered to service which he does not approve—if he finds military arrangements made which do not suit his convenience, or which may seriously injure interests which are most dear to him—he can at once throw up his commission, and follow the bent of his mind. The necessary consequence is, that it is your duty and your interest in every way to study the convenience of the British officer, and I have been surprised to hear this point alluded to in sneering tones by some hon. Members opposite. It is the interest of this country that we should, in every possible way, do all we can to induce him to retain his position in the service. Well, that being the case, you have to consider your system of exchanges. It is only by the system of exchanges that you can effect this result. The hon. and learned Gentleman who has just addressed us has made a very able and elaborate speech—an admirable answer to the discussions of a few days back—and a complete attack upon the whole system of exchanges. But that is not the question before the House. It is not the question I am intending to enter into. It is not a question on which two-thirds of the hon. Gentlemen opposite can sympathize with the hon. and learned Member for Oxford. I conclude there is a very general opinion in the House at present that the system of exchanges must be maintained; that it must be encouraged and stimulated; and that upon a judicious system of exchanges the well-officering of our Army, and the consequent comfort and condition of our troops, mainly depends. How are you to obtain a system of exchanges of such a character, and which shall be enlarged in its application so as to accommodate itself to what probably will be an increased number of applicants? It is impossible for you to lay it down as a mere abstract rule that if two persons want to exchange, an arrangement can be made by a mere ex-

ercise of the will. The exchange depends upon arriving at some equality in the condition of the persons exchanging. It is impossible that you can find two persons—as was so well put by my right hon. Friend the Member for Horsa-ham (Sir Seymour Fitzgerald) in his very able speech—whose conditions are identical when the exchange is to be effected. There will be difference of age, of health, of domestic circumstances, and of taste; all of which must be considered before you can bring about an arrangement. Some element must be introduced which will make approximation possible; and in what way can this be done except by a money test—a principle which is already sanctioned in our legislation on this question. Are you going to say to the officers exchanging—“You shall give so much money and you shall not give more?” Either the money payment must be approved, or the contrary course must be taken; and to say that money may be paid, but only within certain limits, appears to me to be attempting arrangements which are not proper subjects for legislation. I think the House will agree with me that it is unnecessary to enter into any vindication of our system of exchanges, and, that being so, what are the objections to this Bill? I have heard from the hon. and learned Member for Oxford, and from several other hon. Members, very elaborate descriptions of the circumstances which they have held up to public reprobation; but there are none of the consequences to which those hon. Gentlemen refer which could not be accomplished under the present law. Therefore, the question which the House has to decide is, whether this measure which certainly will assist and stimulate exchanges—every hon. Gentleman opposite is agreed upon that, and imputes it as a fault to the Bill—is a wise and politic proposal. I cannot say that I have heard any arguments in opposition to the Bill throughout this discussion. I have heard a great deal of abstract reasoning; but I have heard no practical argument upon the subject. It is said that the measure will produce a vested interest of which we cannot rid ourselves. I maintain, on the other hand, that it cannot produce a vested interest, because it does not acknowledge the existence of any pecuniary element. We know nothing of any sum of money pass-

ing. When Purchase existed you did recognize a money payment to a certain extent, and there was the nucleus of a vested interest, and a foundation upon which you could build a vested interest. But in the proposition now brought forward by my right hon. Friend the Secretary for War there is no foundation upon which a vested interest can be made. The hon. and learned Member for Oxford made it a charge against this measure that it would lead to a recurrence to the system of Purchase. What satisfactory reason has been advanced to prove that assertion? I know from experience that the system of exchanges has long existed and been largely practised in corps and regiments in which Purchase has had no existence. Therefore, I cannot see that the grave assumption, which has been the father of most of the arguments and objections to this Bill, has any foundation whatever. As for the rich-and-poor argument, it is no argument at all, but simply a loose assertion which must be left to the decision and experience of hon. Members on both sides of the House. My experience of such matters may be limited; but it does not at all justify the assumption of hon. Members opposite that this is a measure which must in its action reduce the officers of the British Army into two corps of rich and poor. The arguments brought against the measure have been mere assumptions. There has been no appeal to experience—no evidence founded on facts. The question has been argued throughout upon abstract assumptions; and therefore I cannot at all bow to the weight of the objections that have been made to the Bill. Great objections have been taken, much declamation has been used, and very powerful appeals have been made which have either amused or alarmed us. What has been the subject of these appeals? They were invectives against the system of exchanges itself, which is acknowledged by all to be a material part of our military system. The hon. and learned Gentleman the Member for Oxford mentioned the case of a foreign Army in connection with a remark which had been made as to the peculiar character of the English Army. The hon. and learned Gentleman mentioned a foreign Army as not being inferior in its character and in the difficulties and hardships which it had to experience to the

British troops. I am far from denying that the Russian troops deserve the eulogy which the hon. and learned Gentleman bestowed upon them; but there is no similarity between the position of the Russian Army and the English Army. That of the English is most peculiar; there is none like it in the world. If you take the variety of climates and countries—the great distances which our troops have to explore—the various parts of the world, different in all the conditions upon which health and life exist, they have to work; if you remember that in Asia, Africa, and America, and in every part of the globe, the British Army has its duty to perform, and often a great deal to accomplish; if you recall to your recollection that it is only a detached portion of the Russian Army which is confined to the severe and inhospitable climate of the Caucasus—where they have no doubt great difficulties to encounter, and where they exercise and show some of those qualities which elevate human nature—I say that, recollecting all these things, to compare the Russian Army with the British as to variety of duty is one of those flourishes of rhetoric of which the hon. and learned Member for Oxford has such a store. Hon. Gentlemen opposite have defended themselves in the course of the debate from the imputation of Party motives; but I am not aware that any such motives were ever imputed to them. They have availed themselves of the opportunity for debate, and have given to the discussion an air of importance which the magnitude of the question involved neither necessitated nor justified. I am afraid this resenting of imputations which were never made must arise from the pricking of their own consciences in the case of hon. Members opposite. On the whole, however, I think the discussion has been a not unprofitable one, and that it has filled the House and brought hon. Members to the fulfilment of important duties which would perhaps have been neglected if a subject of this character had not arisen. But I cannot agree that because hon. Gentlemen opposite have seized an opportunity which, if they are successful, will materially diminish the convenience which we wish to secure for the officers of the British Army, and damage the position of the Army generally, they are in taking such a course vindicating the principle of civil

Mr. Disraeli

liberty or following the great tradition of which they are so proud. The measure is not a great one. I wish it were greater than it is; but I believe that, at any rate, it is sound and safe. No protracted discussions can change the character of the measure. It is completely understood by the House and the country, which is represented by hon. Members of this House who are about to vote on the Bill. You recognize the system of exchanges as part of your military machinery, and we have brought forward a measure which adapts your system of exchanges—that important part of your military machinery—to the changed circumstances of your Army. That is the whole question, and, convinced that it is the whole question—convinced that the House believes that it is the whole question—I am not frightened by all these bursts of artificial eloquence. I am not daunted by the pretence that a great Constitutional Party has suddenly unfurled the glorious flag of civil liberty; and I call upon the House to give its verdict now, and distinctly, upon this question—will you support, for the sake of the nation, the interests of the Army?

Question put.

The House divided:—Ayes 282; Noes 186: Majority 96.

AYES.

Adderley, rt. hon. Sir C. Bright, R.
 Agnew, R. V. Broadley, W. H. H.
 Allen, Major Bruce, hon. T.
 Allsopp, C. Buckley, Sir E.
 Archdale, W. H. Bulwer, J. R.
 Arkwright, A. P. Burrell, Sir P.
 Arkwright, F. Buxton, Sir R. J.
 Arkwright, R. Callender, W. R.
 Ashbury, J. L. Cameron, D.
 Assheton, R. Campbell, C.
 Astley, Sir J. D. Cartwright, F.
 Baggallay, Sir R. Cave, rt. hon. S.
 Bagge, Sir W. Cayley, C. E.
 Bailey, Sir J. R. Cecil, Lord E. H. B. G.
 Balfour, A. J. Chaine, J.
 Harrington, Viscount Chaplin, Colonel E.
 Bates, E. Chaplin, H.
 Bathurst, A. A. Chapman, J.
 Beach, rt. hn. Sir M. H. Charley, W. T.
 Beach, W. W. B. Christie, W. L.
 Bennett-Stanford, V. F. Churchill, Lord R.
 Bentinck, G. C. Clifton, T. H.
 Beresford, Lord C. Clive, hon. Col. G. W.
 Beresford, Colonel M. Close, M. C.
 Birley, H. Clowes, S. W.
 Board, T. W. Cobbett, J. M.
 Bourke, hon. R. Cobbold, J. P.
 Bourne, Colonel Cochrane, A. D. W. R. B.

Coope, O. E.
 Corbett, Colonel
 Cordes, T.
 Corry, hon. H. W. L.
 Corry, J. P.
 Cotton, Alderman
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Davenport, W. B.
 Deakin, J. H.
 Denison, C. B.
 Denison, W. E.
 Dickson, Major A. G.
 Disraeli, rt. hon. B.
 Dyott, Colonel R.
 Eaton, H. W.
 Edmonstone, Admiral
 Sir W.
 Egerton, hon. A. F.
 Egerton, hon. W.
 Elcho, Lord
 Elliot, Sir G.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Eslington, Lord
 Estcourt, G. B.
 Ewing, A. O.
 Fellowes, E.
 Fielden, J.
 Finch, G. H.
 FitzGerald, rt. hn. Sir S.
 Fitzwilliam, hon. C.
 W. W.
 Folkestone, Viscount
 Forsyth, W.
 Fraser, Sir W. A.
 Freshfield, C. K.
 Galway, Viscount
 Gardner, J. T. Agg-
 Gardner, R. Richard-
 son-
 Garnier, J. C.
 Gibson, E.
 Goddard, A. L.
 Goldney, G.
 Gooch, Sir D.
 Gordon, rt. hon. E. S.
 Gordon, W.
 Gore, W. R. O.
 Gorst, J. E.
 Grantham, W.
 Greenall, G.
 Greene, E.
 Gregory, G. B.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, I. T.
 Hamilton, Lord G.
 Hamilton, Marquess of
 Hamilton, hon. R. B.
 Hamond, C. F.
 Hanbury, R. W.
 Hardcastle, E.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Harvey, Sir R. B.
 Hay, rt. hon. Sir J. C. D.
 Heath, R.
 Hervey, Lord F.
 Hick, J.
 Hodgson, W. N.
 Hogg, Sir J. M.
 Holford, J. P. G.
 Holker, Sir J.
 Holland, Sir H. T.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hood, Captain hon. A.
 W. A. N.
 Hope, A. J. B. B.
 Hubbard, J. G.
 Hunt, rt. hon. G. W.
 Jenkinson, Sir G. S.
 Johnson, J. G.
 Johnstone, H.
 Johnstone, Sir F.
 Jolliffe, hon. S.
 Jones, J.
 Kavanagh, A. MacM.
 Kennaway, Sir J. H.
 Knight, F. W.
 Nightley, Sir R.
 Knowles, T.
 Lacon, Sir E. H. K.
 Learmonth, A.
 Lee, Major V.
 Legard, Sir C.
 Legh, W. J.
 Leigh, Lt.-Col. E.
 Lennox, Lord H. G.
 Leslie, J.
 Lewis, C. E.
 Lewis, O.
 Lloyd, S.
 Lloyd, T. E.
 Lopes, H. C.
 Lopes, Sir M.
 Lorne, Marquess of
 Lowther, hon. W.
 Lowther, J.
 Macartney, J. W. E.
 MacIver, D.
 Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 March, Earl of
 Marten, A. G.
 Merewether, C. G.
 Mills, A.
 Mills, Sir C. H.
 Monckton, F.
 Monckton, hon. G.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Morgan, hon. F.
 Morgan, hon. Major
 Mowbray, rt. hn. J. R.
 Muncester, Lord
 Naghten, A. R.
 Nevill, C. W.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 Nolan, Captain
 North, Colonel
 Northcote, rt. hon. Sir
 S. H.
 O'Clery, K.

O'Gorman, P.
 O'Neill, hon. E.
 Onslow, D.
 Paget, R. H.
 Palk, Sir L.
 Parker, Lt.-Col. W.
 Peek, Sir H. W.
 Peel, rt. hon. Sir R.
 Pell, A.
 Pelly, Sir H. C.
 Pemberton, E. L.
 Peploe, Major
 Percy, Earl
 Phipps, P.
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Polhill-Turner, Capt.
 Powell, W.
 Price, Captain
 Puleston, J. H.
 Raikes, H. C.
 Read, C. S.
 Rendlesham, Lord
 Repton, G. W.
 Ridley, M. W.
 Ripley, H. W.
 Ritchie, C. T.
 Rodwell, B. B. H.
 Round, J.
 Russell, Sir C.
 Ryder, G. R.
 Salt, T.
 Sanderson, T. K.
 Sandon, Viscount
 Sclater-Booth, rt. hn. G.
 Scott, M. D.
 Scourfield, J. H.
 Selwin - Ibbetson, Sir
 H. J.
 Shirley, S. E.
 Shute, General
 Sidebottom, T. H.
 Simonds, W. B.
 Smith, A.
 Smith, S. G.

Smith, W. H.
 Smollett, P. B.
 Somerset, Lord H. R. C.
 Stanhope, hon. E.
 Stanhope, W. T. W. S.
 Stanley, hon. F.
 Starkey, L. R.
 Steere, L.
 Stewart, M. J.
 Storer, G.
 Sturt, H. G.
 Sykes, C.
 Talbot, J. G.
 Tennant, R.
 Thynne, Lord H. F.
 Tollemache, W. F.
 Torr, J.
 Tremayne, J.
 Trevor, Lord A. E. Hill-
 Turner, C.
 Turnor, E.
 Vance, J.
 Verner, E. W.
 Wait, W. K.
 Walker, T. E.
 Wallace, Sir R.
 Walpole, hon. F.
 Walsh, hon. A.
 Waterhouse, S.
 Watney, J.
 Welby, W. E.
 Wellesley, Captain
 Wethered, T. O.
 Wheelhouse, W. S. J.
 Whitelaw, A.
 Wilmot, Sir H.
 Wolff, Sir H. D.
 Wyndham, hon. P.
 Yarmouth, Earl of
 Yorke, hon. E.
 Yorke, J. R.

TELLERS.
 Dyke, W. H.
 Winn, R.

NOES.

Acland, Sir T. D.
 Amory, Sir J. H.
 Anderson, G.
 Ashley, hon. E. M.
 Backhouse, E.
 Balfour, Sir G.
 Barclay, A. C.
 Barclay, J. W.
 Bass, A.
 Bazley, Sir T.
 Beaumont, Major F.
 Beaumont, W. B.
 Biddulph, M.
 Bolckow, H. W. F.
 Brassey, H. A.
 Brassey, T.
 Briggs, W. E.
 Brocklehurst, W. C.
 Brogden, A.
 Brown, A. H.
 Browne, G. E.
 Cameron, C.
 Campbell - Bannerman,
 H.
 Carington, hn. Col. W.
 Carter, R. M.
 Cartwright, W. C.
 Cave, T.
 Cavendish, Lord F. C.
 Chadwick, D.
 Chambers, Sir T.
 Childers, rt. hon. H.
 Cholmeley, Sir H.
 Clarke, J. C.
 Clifford, C. C.
 Cole, H. T.
 Collins, E.
 Conyngham, Lord F.
 Corbett, J.
 Cotes, C. C.
 Cowan, J.
 Cowen, J.
 Cowper, hon. H. F.
 Crawford, J. S.
 Cross, J. K.
 Crossley, J.
 Dalway, M. R.
 Davies, D.

Davies, R.
 Dilke, Sir C. W.
 Dillwyn, L. L.
 Dixon, G.
 Dodds, J.
 Dodson, rt. hon. J. G.
 Dunbar, J.
 Dundas, J. C.
 Earp, T.
 Edwards, H.
 Egerton, Adm. hon. F.
 Errington, G.
 Esmonde, Sir J.
 Evans, T. W.
 Eyton, P. E.
 Fawcett, H.
 Ferguson, R.
 Fitzmaurice, Lord E.
 Fletcher, I.
 Fordyce, W. D.
 Forster, Sir C.
 Forster, rt. hon. W. E.
 Foster, W. H.
 Gladstone, rt. hn. W. E.
 Gladstone, W. H.
 Goldsmid, Sir F.
 Goldsmid, J.
 Goschen, rt. hon. G. J.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Hankey, T.
 Harcourt, Sir W. V.
 Harrison, C.
 Harrison, J. F.
 Hartington, Marq. of
 Havelock, Sir H.
 Hayter, A. D.
 Herbert, H. A.
 Hill, T. R.
 Holland, S.
 Holms, J.
 Hopwood, C. H.
 Howard, hn. C. W. G.
 Hughes, W. B.
 Ingram, W. J.
 Jackson, H. M.
 James, Sir H.
 James, W. H.
 Jenkins, D. J.
 Johnstone, Sir H.
 Kay - Shuttleworth,
 U. J.
 Kinnaird, hon. A. F.
 Laing, S.
 Laverton, A.
 Law, rt. hon. H.
 Lawson, Sir W.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Leith, J. F.
 Lloyd, M.
 Locke, J.
 Lowe, rt. hon. R.
 Lubbock, Sir J.
 Lush, Dr.
 Lusk, Sir A.
 Macdonald, A.
 Macgregor, D.
 Mackintosh, C. F.
 M'Arthur, W.
 M'Combie, W.
 M'Kenna, Sir J. N.

M'Lagan, P.
 Maitland, J.
 Marjoribanks, Sir D. C.
 Marling, S. S.
 Meldon, C. H.
 Mellor, T. W.
 Monck, Sir A. E.
 Monk, C. J.
 Morgan, G. O.
 Morley, S.
 Mure, Colonel
 Noel, E.
 Norwood, C. M.
 O'Connor, D. M.
 O'Keeffe, J.
 O'Reilly, M.
 Palmer, C. M.
 Pease, J. W.
 Peel, A. W.
 Pennington, F.
 Perkins, Sir F.
 Philips, R. N.
 Playfair, rt. hon. L.
 Plimsoll, S.
 Price, W. E.
 Ramsay, J.
 Rashleigh, Sir C.
 Rathbone, W.
 Reed, E. J.
 Richard, H.
 Richardson, T.
 Robertson, H.
 Rothschild, N. M. de
 Russell, Lord A.
 St. Aubyn, Sir J.
 Samuda, J. D'A.
 Samuelson, B.
 Shaw, R.
 Shell, E.
 Sheridan, H. B.
 Sherlock, Mr. Serjeant
 Sherrieff, A. C.
 Simon, Mr. Serjeant
 Smith, E.
 Stansfeld, rt. hon. J.
 Stanton, A. J.
 Stevenson, J. C.
 Stuart, Colonel
 Swanston, A.
 Taylor, P. A.
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, H. H.
 Walter, J.
 Waterlow, Sir S. H.
 Watkin, Sir E. W.
 Weguelin, T. M.
 Whitbread, S.
 Whitwell, J.
 Whitworth, W.
 Williams, W.
 Wilson, C.
 Wilson, Sir M.
 Yeaman, J.
 Young, A. W.

TELLERS.
 Adam, rt. hon. W. P.
 Kensington, Lord

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed?"

THE MARQUESS OF HARTINGTON said, he presumed the Government would not go on with the Bill that night.

MR. GATHORNE HARDY said, that as the Bill consisted practically of one clause, on which there had already been two discussions, he hoped the House would now allow it to be proceeded with in Committee.

THE MARQUESS OF HARTINGTON observed, that there were several points which required further discussion, and he would therefore move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*The Marquess of Hartington.*)

Question put.

The Committee divided:—Ayes 159; Noes 267: Majority 108.

MR. MACDONALD said, that, considering that it was now the time—half-past 12—when all the public-houses were closed in London, he begged to move that the Chairman do leave the Chair.

MR. DISRAELI said, he wished to meet the convenience of the House; but if the debate were to go on till the noble Lord and his Friends thought they had answered the arguments in support of the Bill it would last a long time.

Motion, by leave, *withdrawn*.

MR. DISRAELI said, he would now consent that the Chairman should report Progress, and on Monday, after the Army Estimates, they would renew their friendly discussions on the Bill.

Committee report Progress; to sit again upon *Monday* next.

JOHN MITCHEL.

ADDRESS FOR PAPERS.

MR. MELDON rose to move an Address for Papers relating to the transportation and custody of Mr. John Mitchel. The hon. Member said he did not

move for these Papers with any view of re-opening the question that had been recently disposed of by the House; but on constitutional grounds, in order that the electors of Tipperary might have in the approaching election, fully and fairly before them, the means of judging whether their votes would be thrown away if they should again support Mr. Mitchel. Grave doubts existed on the point whether Mr. Mitchel was legally in custody at the time of his alleged escape from Van Diemen's Land, and as to the legality of the circumstances attending his removal from Bermuda. It was impossible that the warrants or orders under which Mr. Mitchel was kept in custody should not be forthcoming; surely, the Government ought not to refuse to produce the documents asked for. His object was not to entangle the Government in new difficulties or to force them further into the mire, but with the constitutional object he had already indicated. The Government and the House had taken upon themselves to decide behind Mr. Mitchel's back, and on *ex parte* evidence, upon his qualification; but he (Mr. Meldon) maintained it was the bounden duty of the House to insist upon the production of this evidence—if it existed—and to ascertain the fact whether or not the custody was legal.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the following Documents:

"1. The Warrant or Order under which Mr. Mitchel was sent from Bermuda to the Cape of Good Hope;

"2. The Despatches from or to the Governor of that Colony in respect of that Colony refusing permission to the Government to land convicts there;

"3. The Warrant or Order under which Mr. Mitchel was sent to Van Diemen's Land; and,

"4. The Warrant or Order under which he was held in custody there."—(*Mr. Meldon.*)

THE ATTORNEY GENERAL on the part of the Government declined to consent to the Motion. He said that on a very recent occasion, the hon. Member for Westmeath, in accordance with the expressed feeling of the House, had withdrawn a Motion for the production of Papers which had reference to the selection of the jury by whom John Mitchel had been convicted; those Papers were asked for for the purpose

of showing that the conviction was improper; and it appeared to him (the Attorney General) that the House would only be acting in accordance with its former views if it now declined to assent to the Motion of the hon. Member, which had for its avowed purpose the showing that John Mitchel was not in legal custody at the time of his escape. But the hon. Member for Kildare had assigned another reason for the production of these Papers, and that was that they were required to enable the electors of the county of Tipperary to make a proper choice at the forthcoming election. To this he need only reply that the Papers in question, if it were possible to produce them at all, could not be produced in time to serve as a guide to the Tipperary electors. To this he might add that, as it was now 10 years since transportation to the Colonies had been discontinued, he could not say whether the records connected with the transportation of persons, who had been convicted nearly 30 years ago, were still preserved.

MR. SULLIVAN said, the speech of the hon. and learned Gentleman would add a new sensation to the already highly sensational "Mitchel Case." For what was the astounding confession to which they had just listened? Her Majesty's Attorney General was obliged to confess publicly that documents essentially and most vitally necessary to complete the Papers moved for by the Prime Minister were not forthcoming—had never been seen by him, if indeed they had any existence at all! And he had carefully avoided saying where they were. The Government had produced a document purporting to state that a prisoner named John Mitchel escaped on a certain day; but where was the judicial proof that he was not recaptured the next day or the next month? Where was the identification of the John Mitchel that escaped with the John Mitchel that had been returned for Tipperary? Above all, where was the warrant on which it was pretended to hold Mr. Mitchel in legal custody in Van Diemen's Land? They charged that owing to a fatal informality in certain of these documents Mr. Mitchel was never for one moment in legal custody from the instant he left Table Bay. If that were so, every one knew the effect upon his escape and his present legal status. In

The Attorney General

what position then did the Government stand? Without those documents under their hand the due proof of John Mitchel's legal disqualification was incomplete, and being incomplete was no proof at all. But whether the Government produced these documents or not—whether they proved valid or invalid—the fatal error remained—they had declared John Mitchel disqualified in the absence of documents and proofs, which every lawyer would declare to be essential—unless, indeed, in the High Court of Parliament less proof were required than at a common Sessions Court on a trial for petty larceny. He warned them lest in their anxiety to strike down John Mitchel they should demolish every precedent that was supposed to be the bulwark of our liberties, and establish one that in years to come many an Englishman might bitterly bewail.

Question put.

The House *divided*:—Ayes 46; Noes 171: Majority 125.

ACTS OF PARLIAMENT.

Select Committee appointed, "to consider whether any and what means can be adopted to improve the manner and language of current Legislation; and to report their opinion thereon to the House."—(*Mr. Attorney General.*)

And, on March 16, Committee nominated as follows:—SIR THOMAS ACLAND, MR. ASHLEY, MR. CALLENDER, LORD FREDERICK CAVENDISH, MR. DALRYMPLE, MR. DILLWYN, MR. DUNBAR, MR. FORSYTH, MR. GREGORY, LORD FRANCIS HERVEY, MR. JACKSON, SIR JOHN KARSLAKE, MR. LOWE, MR. ARTHUR MILLS, MR. MOWBRAY, MR. RATHBONE, MR. EUSTACE SMITH, MR. SPENCER WALPOLE, and MR. ATTORNEY GENERAL:—Power to send for persons, papers, and records; Five to be the quorum.

DOVER PIER AND HARBOUR BILL.

Motion made, and Question proposed, "That leave be given to bring in a Bill to authorise the construction of additional Piers and works at Dover; to amend the constitution of the Dover Harbour Board; and for other purposes."—(*Sir Charles Adderley.*)

Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill ordered to be brought in by SIR CHARLES ADDERLEY, MR. CAVENDISH BENTINCK, and MR. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 84.]

CONVENTION (IRELAND) ACT REPEAL BILL.

On Motion of MR. P. J. SMYTH, Bill for the repeal of the Act of the Irish Parliament, the

thirty-third George the Third, chapter twenty-nine, intituled, "An Act to prevent the election or appointment of Unlawful Assemblies," ordered to be brought in by Mr. P. J. SMYTH, Mr. DOWNING, Mr. RONAYNE, Mr. RICHARD POWER, Mr. O'GORMAN, and Mr. O'CLERY.

Bill presented, and read the first time. [Bill 85.]

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Friday, 5th March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Land Drainage Provisional Order* (30);
Police Magistrates, Metropolis (Salaries)*
(31).

THE THEATRES—THE LORD CHAMBERLAIN'S JURISDICTION.

QUESTION. OBSERVATIONS.

THE DUKE OF ST. ALBANS, in putting some Questions to the Lord Chamberlain, of which he had given Notice, on the subject of the closing of theatres on Ash-Wednesday, said, he wished to disclaim sympathy with the spirit of certain communications which had appeared in the newspapers on the subject of his inquiry. The authority of the Lord Chamberlain in respect of theatres had existed since 1627, and he thought the dramatic profession would be very sorry to change it for any other. He did not wish to enter into any discussion of the religious part of the question, whether theatres should or should not be allowed to be open on Ash-Wednesdays, while all other trades and professions were allowed to be exercised on that day. Formerly, he was told, the theatres were closed on the Wednesdays and Fridays in Lent, but this restriction was done away with in consequence of a Resolution in the House of Commons—he would leave it to others to decide whether, in a Christian country like England, theatres and music-halls should, in a religious season like Lent, be permitted to be open, and whether the theatrical profession or trade should be allowed to go its own way; but he challenged the noble Marquess who filled the office of Lord Chamberlain to assign any good reason why theatres in Westminster must remain closed on

Ash-Wednesday, while a theatre at Chelsea could be open—to explain why he should prevent the Haymarket company from acting in their own theatre on that day, while they could go down to Nottingham and play in a theatre there. He would further ask the noble Marquess to justify the fact that Drury Lane Theatre was closed by his authority for theatrical performances on that day, while a musical performance which would have been illegal at St. James's Hall did come off at Drury Lane. They knew very well that a certain party wished to make Ash-Wednesday an universal holiday; but, as their Lordships were very well aware, every other trade continued its usual avocations on that day; but the closing of the theatres meant that many poor families could earn no pay. The evening was kept by some of the actors and actresses in attending a dance for the Dramatic Fund. Did the noble Marquess think this was a more legitimate occupation than that in which these ladies and gentlemen were ordinarily engaged? The grave fact in the case was that the closing of theatres on Ash-Wednesday meant a day of starvation to many. That being so, Parliament and the public had a right to know why it should be enforced in the case of some theatres, while the regulation did not apply to others. It seemed a strange state of things that music-halls on the Middlesex side of the Thames could not open on Ash-Wednesday, but music-halls on the Surrey side might and did. Here was another anomaly—An old Act of George II. made it illegal to give public concerts before 5 o'clock under a magistrate's licence; so that a public concert which commenced at 4 o'clock and ended at 6 in the afternoon must be under two licences—the first part of it must be under a licence from the Lord Chamberlain, and the second part under one from the Middlesex magistrates, and he was informed as a fact that an action had been brought against the proprietor of St. James's Hall for allowing a concert to commence before 5 P.M. The licence of the Lord Chamberlain would not, however, cover some places—such, for instance, as the Polytechnic; and, consequently, if there was any infringement of hours by such a place, it was liable to be sued by an informer for a penalty of £100. The whole of the

licensing system, as applicable to places of public amusement, was full of anomalies, and required revision. As the noble Marquess had stated on a certain occasion that one of the advantages of the change of Government was that the public had him for Lord Chamberlain, he hoped to hear from the noble Marquess that he disapproved that system and was prepared to recommend its abolition or amendment. He begged to ask Her Majesty's Government, Why those Theatres which are under the Lord Chamberlain's jurisdiction should be closed on Ash-Wednesday, while other Metropolitan and the Provincial theatres were not so restricted: Why Music Halls on the Surrey side of the River are allowed to open on Ash-Wednesday when those on the Middlesex side are closed, And, whether Her Majesty's Government will amend the clause in the Act 25th *Geo.* III., cap. 36, prohibiting concerts and musical entertainments from being given before five in the afternoon?

THE LORD CHAMBERLAIN (The Marquess of HERTFORD) said, that the anomalies to which the noble Duke referred arose from theatres in different localities being under different jurisdictions. Under the Act for Regulating Theatres, 6 & 7 *Vict.* c. 68, which passed in 1843, the Lord Chamberlain issued annual licences for theatres within the Metropolitan Parliamentary boroughs of that date. Chelsea, though now a metropolitan borough, was not so then, and, consequently, it was not within the Lord Chamberlain's jurisdiction even at the present time. Drury Lane and Covent Garden were licensed by patent of King Charles II., and did not come to the Lord Chamberlain for an annual licence. Theatres in all other places were licensed by the Justices of the Peace for the division in which each theatre was situated. The Justices were empowered to make rules for such theatres, and these rules were different in different localities. No material change had been made in the form of licences issued by the Lord Chamberlain for many years past, excepting the omission from the restricted days of Wednesdays and Fridays in Lent in 1841, and of Passion week, with the exception of Good Friday, in 1861. Since that date the restrictions in the Lord Chamberlain's licences were precisely similar to those in the licences

for music and dancing issued by the Justices of the Peace for Middlesex under the Act 25 *Geo.* II., c. 36. Perhaps he might be allowed to bring to their Lordships' recollection that in 1866 a Select Committee of the House of Commons sat to inquire into the Theatrical Licences and Regulations. The Committee, the Chairman of which was Mr. Goschen, reported on the 28th of June, 1866, that it was advisable to place all places of amusement in the metropolis under one authority. Owing to the difficulties of detail, no action was taken upon that Report. With reference to the last part of the noble Duke's Question—as to concerts not being allowed to be held under magistrates' licenses before five in the afternoon—he found that the Lord Chamberlain, with the sanction of the Secretary of State for the Home Department, acting on the advice of the Law Officers of the Crown, had since 1866, for the general convenience of the public, issued supplementary licences to those holding licences for music and dancing within the Liberties of Westminster, to enable them to give such entertainments before 5 o'clock in the evening as were permitted by the Justices' licence after that hour. The Lord Chamberlain took no responsibility whatever upon him by these licences with respect to the character of the entertainment or the safety of the building; and Her Majesty's Government had no intention, so far as he knew, of prohibiting concerts and musical entertainments being given before 5 p.m. under these circumstances, no practical inconvenience having arisen from the custom.

THE EARL OF ROSEBURY said, that nothing could be more clear than the Answers of the noble Marquess to the exact Questions put to him by the noble Duke. But he ventured to submit to their Lordships that those Answers left the matter in as much obscurity as that which had surrounded it before. According to the statement of the noble Marquess, there seemed to be three jurisdictions to which theatres were subject. There was, first, the jurisdiction of the Crown, which granted those patents to two of which the noble Marquess had referred; in the second place, there was the jurisdiction of the noble Marquess himself; and, in the third place, there was the local and district jurisdiction of the magistrates. That appeared to him to be

The Duke of St. Albans

quite enough of diversity for one subject of a not very complicated nature. But of all those jurisdictions there was none so diversified or so confused as that of the noble Marquess himself; because, if he understood rightly, his powers were so strictly local in their character that he had not jurisdiction over Chelsea and Bayswater, and even a theatre called—he presumed from some complimentary motive—the Court Theatre, and which was in the vicinity of that House, was not under the jurisdiction of the noble Marquess. If that was the fact, it was clearly desirable that some Act should be passed to amend such a state of things. But he had not heard the noble Marquess answer the Question of the noble Duke, why one theatre in particular, which he supposed was under the noble Marquess's jurisdiction, was allowed to be open on Ash Wednesday, unless it was that theatre which the noble Marquess referred to as having the patent. It illustrated the monopoly to which he had referred—how one large class of human beings who earned their bread by their connection with the stage should alone of all others of the community be restricted from earning their wages on that day, and that an exotic body of minstrels known as “The Negro Melodists” could, by a change in the locality of their performance, make that which was illegal in Piccadilly legal in Drury Lane. If he were a polemical writer—and in these days he would rather wish he were—he would be rather curious to trace the cause of this difference—he should like to inquire why what was regarded as an immoral performance in Piccadilly should be regarded as having the odour of sanctity when it was brought within the precincts of Drury Lane. If no answer could be given to that question, there was a clear case—as had been well put by the noble Duke—for legislating in this matter. Since the noble Duke put his Notice on the Paper, he (the Earl of Rosebery) had heard that the proceeds of the entertainment at Drury Lane were given in charity, and that for that reason the performance of the Christy Minstrels was allowed to pass by the vague authorities in these matters. That might very well be; but it did not mend the case of the people who were deprived of their wages elsewhere—because there was not a single person drawing wages

from any particular performance who had the slightest objection that the proceeds of the entertainment should be applied to charity so long as those wages were first paid. What they had to complain of was that they alone of all the community were forbidden to practise their profession and earn their bread on Ash Wednesday. The question seemed to him to resolve itself into this dilemma. Either the drama itself was altogether immoral in the abstract, or else it must be held that the day itself was as sacred as Sunday. In the first case, clearly no theatrical performance ought to be sanctioned at all; in the other, clearly no other profession ought to be able to practise their calling on Ash Wednesday. There was no escaping from one horn or the other of the dilemma. Whichever horn you took, you placed the Surrey magistrates in a very painful and almost ridiculous position, because they did not seem to take the same views as regarded theatrical performances or of Ash Wednesday as were taken on the Middlesex side of the water. In fact, if any “intelligent foreigner” were staying in London on that day he would find it difficult not to imagine that these matters were regulated by geographical rather than moral considerations—though, of course, no supposition could be more erroneous. He hoped that the Leader of their Lordships' House would turn his attention to the matter, as this subject combined those social, and, as regarded Ash Wednesday, those theological elements which appeared to recommend themselves so much in legislation to Her Majesty's Government.

EARL BEAUCHAMP admitted that the present state of things was anomalous, but it had existed from very ancient times, and would continue to exist so long as there was a conflict of authority and jurisdiction. It did not arise from any such idea as that that which was immoral in one place could be moral in another; but from the circumstance that the Lord Chamberlain had jurisdiction in one district and the justices of the peace in others. The Lord Chamberlain, indeed, had a larger jurisdiction than the noble Earl had given him credit for—because it was upon his authority that theatrical performances were prevented from taking place on Sundays and Good Fridays as well. In the exhaustive in-

quiry before the Committee of 1866 no attempt was made to procure the opening of the theatres on Ash Wednesday, nor did the managers complain of their being closed as a grievance. At that time there were only 25 theatres in the metropolis; but there were now above 40, which was a proof that since 1866 no injury had taken place, but that the theatrical profession had been sufficiently prosperous to induce managers to embark large sums in these entertainments, and thereby to evince their confidence that Government would impose no unnecessary restriction upon them.

THE ECCLESIASTICAL COMMISSIONERS.
THE 26TH REPORT.—QUESTION.

EARL POWIS asked, Why only a portion of the Twenty-sixth Report of the Ecclesiastical Commissioners for 1873 has been presented to Parliament? He asked the Question because the portion which had not been presented contained very valuable appendices.

EARL BEAUCHAMP said, the reason was that an objection had been taken by the Treasury on the ground of expense to the publication of those Appendices. In that objection the Home Office concurred. If the noble Earl moved for the Correspondence on the subject between those two Departments and the Home Office, there would be no objection to produce it, and it would furnish their Lordships with the grounds of the objection.

EARL POWIS said, he would move for the Correspondence.

Address for Correspondence as to printing the Report of the Ecclesiastical Commissioners for England, *agreed to*.

House adjourned at a quarter before Six o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 5th March, 1875.

MINUTES.] — SELECT COMMITTEE — General Carriers Act, 1830, *nominated*.
SUPPLY—*considered in Committee*—EXCESSES ON GRANTS, 1873-4—SUPPLEMENTARY, 1874-5.
PUBLIC BILL—*Ordered—First Reading*—Metropolis Water Supply and Fire Prevention * [86].

Earl Beauchamp

SUPREME COURT OF JUDICATURE ACT,
1873—THE COURT OF ULTIMATE
APPEAL.

NOTICE OF MOTION.

MR. SPENCER WALPOLE: I beg to give Notice, that on an early day, I shall call the attention of the House to the defective state of the Supreme Court of Judicature Act, 1873, with reference to the constitution of Her Majesty's Court of Appeal, and move the following Resolutions:—

“(1.) That it is desirable, in any arrangement of the judicature of the United Kingdom, to make provision that the ultimate appeal in all cases shall be made to the same tribunal. (2.) That for that purpose it is expedient that such appeals from the Courts of Great Britain and Ireland should be carried, as heretofore, to the House of Lords.”

PUBLIC HEALTH—

MIDWIFERY PRACTICE—CASE OF
ELIZABETH INGRAM.—QUESTION.

MR. JAMES asked the President of the Local Government Board, If his attention has been drawn to the proceedings in the case of Elizabeth Ingram, as reported in “The Times” of the 1st of March; and, if it is his intention, in view of the circumstances the trial brought to light, to introduce any measure placing all persons practising in midwifery under more immediate supervision than at present, and giving power to the local authority, on the report of a coroner, or other due cause shown, to suspend them from the exercise of their practice?

MR. SCLATER-BOOTH: Sir, my attention has not been directed to this case, otherwise than by the reports in the newspapers. It would appear that the prisoner alluded to by the hon. Gentleman was acquitted on the score of ignorance; so that if she had known the danger involved in her attendance, it is possible that she might have been liable to punishment. The whole subject of the registration of midwives, and the possibility of putting in force some such powers as those suggested by the hon. Gentleman, have been frequently under the consideration of the Local Government Board, and only quite recently it has formed the subject of a correspondence between myself and the Home Secretary. Cases of a similar nature to that which is referred to have occurred

at Leicester and Wolverhampton; and in one case the person who was supposed to have communicated the fever was a medical practitioner, and in the other a midwife. The question is a difficult one, and is now under the consideration of the Government, and the hon. Gentleman may rest assured we will not lose sight of it.

CUSTOMS' DUTIES (IRELAND)—BANK NOTES.—QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer (in reference to his reply to a Question on the 22nd ultimo), If he will state to the House by what Act of Parliament or other authority are Bank of England and Bank of Ireland notes declared a legal tender in Ireland, to the prejudice of the notes of the National Bank, the Provincial Bank, and the Northern Banks of issue?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he was afraid he had inadvertently made a mistake in the matter. No instructions whatever had been issued to the clerks in the Customs and Excise Departments as respected the bank notes they were to receive in payment of the revenue. They might exercise their own option as to what notes they would receive, they being held responsible for all the money they might receive.

POLLUTION OF RIVERS BILL (SCOTLAND).—QUESTION.

MR. DALRYMPLE asked the Secretary of State for the Home Department, Whether the Bill promised in Her Majesty's most gracious Speech, for the Prevention of the Pollution of Rivers, will be extended to Scotland as well as to England; or whether he will bring forward a measure of the same kind for Scotland?

MR. ASSHETON CROSS, in reply, said, that the Government had already issued a Royal Commission to inquire specially into the pollution of the Clyde and its tributaries, but whether they would be able to bring in a Bill relating to Scotland until that Commission had reported, or to extend the Bill for England to Scotland, was under the consideration of the Government. He should be happy to give an answer to the Question after Easter.

FRIENDLY SOCIETIES BILL. QUESTION.

MR. SALT asked Mr. Chancellor of the Exchequer, If he will postpone the Committee on the Friendly Societies Bill until after Easter, in order that persons throughout the Country interested in the measure may have full opportunity of considering its details?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there was other business which must take precedence of this Bill, and he did not think, therefore, although he wished to, that he should be able to take it in Committee before Easter; but he thought it would be for the convenience of the House and for the interests of those concerned in the matter that they should go into Committee as early as possible.

CLOSE-TIME FOR SEAL FISHERY— INTERNATIONAL AGREEMENT.

QUESTION.

MR. W. E. PRICE asked the President of the Board of Trade, Whether any efforts have been made to induce the Governments of certain foreign countries interested in the Arctic seal fisheries to agree to the establishment of an international close time for seals; and, if so, whether he can state to the House with what results those efforts have been attended, and whether any time has actually been determined upon during which the capture of seals shall be prohibited; and, whether, in the event of any such close time being agreed upon, it is proposed to enforce its due observance, and, if so, by what means?

SIR CHARLES ADDERLEY, in reply, said, only two Foreign Governments—Sweden and Germany—had been concerned in the negotiations with regard to the establishment of a close time for seals. The Papers which he had laid upon the Table two days ago stated all that had passed on the subject. He was afraid the negotiations would not be terminated in time to establish a close season that year, but by next year there was a prospect that a close season would be established internationally upon the coast of Greenland where the seals bred.

CRIMINAL LAW—THE RECENT JEWEL ROBBERIES.—QUESTION.

MR. WALSH asked the Secretary of State for the Home Department, Whether his attention has been called to the numerous robberies of jewels that have lately occurred in London and its neighbourhood, and whether he will institute an inquiry into the conduct of the police on account of their apparent inability either to prevent the crimes or detect the perpetrators?

MR. ASSHETON CROSS: Sir, it is quite true that valuable jewels have lately been stolen from the Great Western Railway Station, and that a number of burglaries, resulting in the loss of similar property, have been reported from the neighbourhood of Windsor. But in no case have these occurrences happened within the jurisdiction of the Metropolitan Police. I am happy to say that within their jurisdiction robberies have been extremely rare of late, owing, as we believe, to the system of night patrols which has been established for the special purpose of preventing burglaries. Every assistance will be given to the county police in the neighbourhood of Windsor for the detection of the perpetrators of the recent burglaries there, and the prevention of similar occurrences in future. At the same time, it would be well that a little more care should be exercised by the owners of valuable property than has sometimes been the case hitherto. I may also state to the House that several members of a well-known gang of burglars have recently been apprehended and sentenced to 20 years' penal servitude.

ASSIZE COURT ARRANGEMENTS—SALE OF STAMPS.—QUESTION.

MR. MORGAN LLOYD asked Mr. Chancellor of the Exchequer, If his attention has been called to the inconvenience to suitors at the assizes occasioned by the clerks of assize and associates not being authorized to sell the stamps required for the entry of causes; and, whether there is any objection to allow such officers to sell the necessary stamps for that purpose?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, his attention had not been drawn to the matter, and he was therefore not prepared to say whe-

ther there was anything objectionable in it. No complaints had been received on the subject by the Board of Inland Revenue.

SHANNON DRAINAGE ACT, 1874.

QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If there is any prospect of the Shannon Drainage Act of 1874 being approved by a number of proprietors sufficient to permit of its provisions being put in force; and, if not, does he intend to introduce an amending Bill this Session which might remove the objections which the proprietors may entertain to the existing Act?

SIR MICHAEL HICKS-BEACH, in reply, said, that he had not sufficient information at present to enable him to answer the Question. Meetings were now being held by the Commissioners of Public Works at various places on the Shannon with the view of hearing any objections that might be made by the proprietors to the mode in which they were assessed under the Act: and it was impossible to say what would be the result of these proceedings until the period fixed for them by the Act had expired.

THE REGIMENTAL EXCHANGES BILL.

QUESTION.

THE MARQUESS OF HARTINGTON: I wish, Sir, to ask the right hon. Gentleman at the head of the Government, Whether it is still his intention to proceed with the Regimental Exchanges Bill on Monday next, after the Army Estimates; and, if so, after what hour he will not bring it on? I may perhaps state that in addition to the Amendments which are already upon the Paper, some of which are of considerable importance, I have ascertained that several further Amendments will be placed upon the Paper this evening, and that they are not unlikely to lead to considerable discussion. I think it extremely improbable that the discussion in Committee can be concluded within an hour or two of the end of the Sitting, and I would suggest that more ample time should be given.

MR. DISRAELI: I do not propose to proceed with the Regimental Exchanges Bill after 11 o'clock. That will allow three hours, at least, for the discussion.

And if there are so many new Amendments coming forward as the noble Lord states, that is rather an argument for us to avail ourselves of that time on Monday, as the Committee will probably extend over several days.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PRIMARY EDUCATION (IRELAND) COMMISSION, 1870. — RESOLUTION.

MR. O'REILLY, in rising to call attention to the Report of the Royal Commission on Primary Education (Ireland), 1870; and to move—

"That in order to make Primary Education in Ireland efficient, it is essential to provide well trained teachers, fitting school buildings and teachers' residences, and adequate remuneration for the teachers; and that these objects can best be attained by supplementing the present system of training teachers by the establishment of non-vested training schools which might receive grants for teachers efficiently trained; by a contribution out of local rates to the erection and maintenance of schoolhouses and residences under local management, such contributions to be supplemented by grants; by continuing and extending the present system of payments for results; by requiring local contributions from rates or otherwise (a free residence to be considered as equivalent to local aid to the amount of its fair value); and by assisting teachers to obtain deferred annuities."

said: The national system of education in Ireland has been in existence 40 years: in that time it has done much good, and excited much controversy: it has covered the country with a net-work of schools; most of them filled with scholars of all religions, some nearly empty or filled with children of one religion exclusively. It has enlisted warm sympathy and aroused vigorous antagonism; and questions connected with it have excited the warmest feelings, I had almost said passions; and been avoided in consequence by cautious politicians. So much has this been the case that when the right hon. Baronet the Chief Secretary for Ireland, with that sincere zeal for good administration with which we all justly credit him, resolved, as appears by his letter of November last, to grapple with its difficulties, I can well imagine some of the older and more cautious of his colleagues warning

him off the perils of the task in the words of the Roman—

"Periculosæ plenum opus aleæ

Tractas, et incedis per ignes suppositos cineri doloso."

Sir, let me in the commencement of my remarks assure the right hon. Gentleman and the House, that I have no intention of stirring up the smouldering embers of controversy or agitating the "burning questions" of Irish education. I desire, in the interests of education, to take stock, as it were, of its present position in Ireland, in order to see whether by reasonable and calm discussion remedies for defects or means of amelioration may be suggested. I think that no better ground-work for this purpose could be taken than the Report of the Royal Commission to which I wish to draw attention. It was a Commission eminently calculated to command public confidence, being admirably constituted for the purpose it had in hand. It was presided over by an English Nobleman (Earl Powis) eminent for ability, industry, and impartiality: four of its Members were peculiarly qualified to speak on educational subjects; Sir Robert Kane and Professor Sullivan who were Irish, and Mr. Cowie and Mr. Stokes who were English. It comprised seven Protestants—including one Bishop and two clergymen—and seven Catholics, all laymen; and its recommendations are the more entitled to respect, in that of 14 Members 11 signed the Report, the only dissentients being three of the Irish Members of the body; although some others dissented from individual recommendations. No formal action has been taken to give effect to their recommendations, but many of the most valuable of them have been carried out by the Commissioners of National Education themselves. These recommendations were embodied in 129 paragraphs, and of these 18 have been carried out, including those in favour of maintaining the system of administering the Education Grant by an unpaid board in preference to appointing paid Commissioners; an increase in the class, salaries, and re-arrangement of the teaching body, with the abolition of the inferior class of teachers called probationers; the adoption of an agreement for three months' notice to terminate agreements between teachers and managers of schools; the placing of convent schools on the same footing as

the other schools of the country; and, most important of all, the introduction of the system of payment by results. The first question is, 'What is the state of primary education in Ireland?' And on this point the conclusions of the Commissioners reveal a state of things which is most unsatisfactory; and, although there has been, since the date of their Report, as I shall point out, some improvement, that state of things substantially continues. Of the whole number of children of school age in Ireland only 45 per cent were at school on any one day: of the children on the rolls of the National schools less than 40 per cent was the average daily attendance: it is true that the average attendance of those on the rolls in other schools was higher; being in Church education schools 50 per cent, and in Christian Brothers schools 71 per cent; but we have now to deal with National schools. Nor was the progress of the children better than the attendance. 45 per cent of all the children are "in the first book," that is little more than learning their letters. In the examinations by the Inspectors, in 1867, before the system of payment by results was introduced, less than 30 per cent of the pupils on the roll were presented for examination, only 18·6 passed in reading, 7·8 in writing, and 6·2 in writing from dictation. The Commissioners say—

"The progress of the children in the National schools of Ireland is very much less than it ought to be. We have come to the conclusion that, although there are few places in Ireland where children have not the means of education within reach, the results hitherto achieved are far below what is desirable. The system if not retrograding in efficiency, is at least stationary, and stationary at a very unsatisfactory level."

Now, Sir, that is a state of things which I think calls for a remedy, and for which I therefore venture to suggest one. The Commissioners attribute the bad state of primary education to two causes—the irregular attendance of the children, and the inefficiency of the teaching; for the first they see no remedy but compulsion, which they do not recommend; and, although I myself look forward to the not distant day when school attendance may be made compulsory; yet, no doubt, the country is not yet prepared for it. As to the efficiency of the teachers, I do not wish to depreciate them. I regard them generally as an excellent, and, allowance being made for want of

training, an efficient body of men; and I agree with the Commissioners that the inefficiency complained of is mainly due to the inadequacy of the salaries. They say—

"The general opinion of their efficiency formed by witnesses not connected with the National system is favourable, but there is also abundant testimony to the general desire for their improvement;"

and they adopt the words of Mr. Richmond—

"The National teachers generally struck me as quite as intelligent a body as we have a right to expect considering the emoluments offered to them. I frequently heard the complaint made that the teachers are half educated or less than half educated men. I entirely concur in the view that one of the first steps requisite for the improvement of education in Ireland is to raise the average standard of competency in the teachers; but none the less does it appear to me that the average standard already attained is quite as high as it is possible to reach without an advance in the attractions offered."

The last part of my Resolution treats of the emoluments of the teachers. But there is one point connected with the efficiency of teachers on which the Commissioners laid the greatest stress, and that is the want of scientific training. So, also, Mr. Chichester Fortescue, on the part of Lord Russell's Government, in his letter of the 19th of June, 1866, said the want of training for teachers was "a state of things they viewed with much concern;" and the present Chief Secretary (Sir Michael Hicks-Beach) said, in his letter of the 5th of November, 1874, that the present Government "desired to take into their serious consideration the vast number of untrained teachers employed in the National schools." Contrast the state of things in Ireland with that in other countries. In all other countries that I know the course of training in normal schools is at least two years. In England five years are spent by a student as a pupil teacher, and two years in a normal school. In Ireland only a small proportion of the teachers receive any training; and what is the amount of training that small proportion receive? In the first place, they are not trained at all until they are put in charge of a school. Inspectors go about the country and select masters already teaching a school, and then send them up for training in the Marlborough Street Normal School. What time do they remain there? An average of four months and a-half. Now, the Bishop

Mr. O'Reilly

of Manchester, a high authority on these matters, said—

"The value of a second year's training, morally and intellectually, is indisputable. It is the one fact in the entire range of educational questions upon which there is an entire consensus."

I should have thought it unnecessary to occupy the time of the House with proving the necessity of training for Irish teachers, had I not seen it asserted in *The Daily News* of this day that there is an abundance of sufficiently well-trained teachers in Ireland, although they do not get the same training as in England. That was not the opinion of one, whom to name is to honour—the late Sir Alexander Macdonnell, who for 40 years presided over national education in Ireland. He said to the Commissioners in 1868—

"The evil is a great one. We know very well that 45 per cent of the pupils are in the first book. I believe that learning the alphabet and first book takes very nearly two years under the common method of teaching. I believe, when the art of teaching is thoroughly understood by trained teachers, the length of time taken in mastering the first and most difficult book would probably be diminished by one-half."

Let me also read a letter on this subject from Mr. Renouf, one of the School Inspectors under the Privy Council in England, and who was employed by the Royal Commissioners to inspect the schools in Ireland. He writes—

"While examining schools in the counties of Waterford, Wexford, Tipperary, and Kilkenny, I was careful to bear in mind the very different circumstances under which I was accustomed to examine and report upon the schools of my own district in England. But, every allowance being made for the difference of circumstances, it was altogether impossible to avoid perceiving that the efficiency of the Irish schools was not only inferior in degree, but even in kind. The teachers and children were everywhere fully as intelligent as the teachers and children in England, yet not only did the children break down in examinations of the mildest character, such as I should not have been allowed to hold in an English school under inspection, but their teachers seemed to be totally ignorant of the amount, and still more so of the quality, of instruction which might fairly be expected from those under their care, especially from the lowest classes of the school. The first school which I inspected on my return to England—St. Patrick's, at Walsall, was almost as thoroughly Irish a school as any I had seen in Ireland—the priest, the teachers, and the children being all Irish Catholics; but the amount of work done by the First Standard children, the accuracy and style of it, were such as perhaps not one of the

teachers I had seen on the other side of the water had a conception of. How could it be otherwise? The teachers in Ireland had—at least in general, not been taught how to teach."

The number of trained teachers in Ireland was 3,842; the number of untrained teachers there was 6,118. Contrast the state of matters in Ireland with what it is in England and Scotland. In England there are 39 training schools with 2,894 students, receiving a grant of £95,200. In Scotland there are five training schools with 704 students, receiving a grant of £21,500. In Ireland there is only one normal school, with 218 students, receiving a grant of £7,646. The larger number of the National Schools in Ireland are frequented mainly—most of them entirely—by Roman Catholics, and Roman Catholics form the great bulk of the teachers. Of these there are 2,640 trained, and 5,007 untrained. A larger proportion of the Protestant teachers had received training, but a very large number of Protestant teachers are untrained. Even if the Marlborough Street Training School were full, its capacity for turning out teachers is very limited. The number of teachers required to fill vacancies occurring annually in Ireland is 700. From the year 1838 to the year 1857 the number of trained teachers which that school turned out averaged about 270 a-year, and that rate has not increased, the number turned out last year being only 207. It is true that there exist certain district model schools appointed for training, and that these in some degree help to supply the want, but only in a small degree; the number of trained teachers they are able to send out not exceeding 90 annually. Thus, at present, the total annual supply of trained teachers does not exceed 290, while the number actually required is 700. There is another reason why the present masters in Ireland are not trained, and that is the deep-seated and well-founded objection of the Roman Catholics to the present training schools. This, Sir, is the state of things which the Resolution I propose says requires a remedy, and for which I suggest one. As to what the remedy should be, it is important to consider what Lord Stanley, in a letter which might be considered the charter of the National schools, said, on

the subject—"The teacher shall be required to receive previous instruction in a model school in Dublin to be sanctioned by the Board;" but, curiously enough, as the Commissioners pointed out, it got into print in a considerably altered form—from corrections made, it was supposed, when passing through the National Education Office. The form it assumes is—"shall have received previous instruction in a model school to be established in Dublin." That, in my opinion, was the fatal error. Instead of allowing free and independent training schools, controlled by Government, the State undertook the management of the schools entirely, and therefore they failed. The greatest difficulty in carrying out the present system is caused by the objection felt by the Roman Catholics. The Royal Commissioners, referring to this opposition, say—"The consequence is, that the system of united training for the teachers of Ireland has failed;" and the noble Duke the President of the Council (the Duke of Richmond) said last year—

"Might not the deficiencies as regards trained teachers in Ireland be attributed to the circumstances which has rendered the training of teachers by the mixed system difficult, if not impossible?"

Accordingly, Mr. Chichester Fortescue (now Lord Carlingford), in order to overcome this difficulty, recommended that while the existing training schools should remain exclusively under the control of the Commissioners of National Education they should allow the teachers to reside in approved mensal houses, where they might observe the practices of their religion, and further added—

"The Government prefer to stimulate private enterprise and private zeal to supply the wants which exist; and they therefore propose to encourage the establishment of model (training) schools under local management."

Such also in substance is the recommendations of the Royal Commission; and such the system which I advocate. The adoption of the English and Scotch principle—namely, that the State should dissociate itself from the training of teachers, except as regards the testing of results, and that a certain graduated payment should be made to each school for having given such secular teaching and training as the State requires. In England and Scotland the payment is £100 in the case of men, and £75 in the

case of women for every certificated teacher who having been trained, continues teaching a school for two years at least after the receipt of their certificates. Here I wish to prevent a misapprehension which may be caused by the occurrence in my Resolution of the words "non-vested training schools," which have been understood by some friends to mean that they should not be vested for educational purposes at all, and I must therefore explain that in Ireland "vested schools" means schools which are vested in the Commissioners of National Education, while the term "non-vested" is employed to designate the voluntary schools throughout the country. The voluntary training schools should be vested in trustees for the purposes of education. In the training schools which I wish to see established, I do not want the State to have anything to do with the imparting of religious instruction. Let the State pay for the secular result, and for that alone. I may mention that the seven English Commissioners—only one of whom was a Roman Catholic—were unanimously in favour of the recommendations in the Report; but there were three Irish dissentients—namely, Sir Robert Kane, Mr. Wilson, and Mr. Gibson. Sir Robert Kane objected to teachers being trained by monks or nuns. For my own part, I think the State ought not to inquire whether the teachers are "religious" or not, but should be satisfied if they are efficient teachers, and I admit I think it probable that the Catholics would prefer to have female teachers instructed by nuns, who are competent and thoroughly devoted to the work. Of the two others, Mr. Gibson does not give any reason, except that—"The training colleges in England were founded altogether on a different principle from that of the Irish model schools." Mr. Wilson gave three reasons; that voluntary training schools would be denominational, which is only saying that those they are intended for prefer them, and are willing to prove their preference by freely paying for them; that they would separate teachers, which is the same objection in another shape; and, thirdly, that they would entail unnecessary expense. If by this he meant that paying for training teachers was unnecessary expense, he differed from all educational authorities; but

Mr. O'Reilly

voluntary training schools, a portion of the expense of which would be defrayed by voluntary aid, would be cheaper than State training schools, the whole cost of which is defrayed by the State. The only other tangible objections I have seen are contained in a memorial lately presented to the Lord Lieutenant (the Duke of Abercorn) by certain Presbyterians in the North of Ireland. Their first objection is that "it would be injurious to Protestants." But another passage in the same memorial seems to me a complete answer to this objection, for they say—

"The proposed schools are designed for, and would be attended by, only teachers of one creed—namely, Catholics."

So they could do no harm to Protestants who might continue to frequent the existing schools. Their second objection is like the first. It is—

"That no new training schools ought to be recognized, because Protestants of all denominations are satisfied with the central training establishment and district model schools."

Now, if this were true, it would prove only that one-fifth of those for whom trained teachers are wanted are satisfied with the present imperfect system of training. But I doubt its truth, because I find that whilst there are 1,146 Protestant teachers who are trained, there are 1,030, or very nearly one-half, who are untrained. Can we doubt, then, that the present training of teachers is grossly deficient, or that the only practical way to improve it, is to avail ourselves of voluntary efforts to supplement the present schools, by schools such as exist in England, and were recommended by the Royal Commissioners and by the Commissioners of National Education in their letter to the Chief Secretary (Sir Michael Hicks-Beach), of the 10th December, 1874. But if we are to provide trained teachers, to retain them we must increase the attractions of their position, and nothing is more important in this respect than to provide them with residences. The Commissioners say—

"The want of residences for school teachers is also a reasonable cause of discontent. All the witnesses who gave evidence are agreed."

And they adopt the words of one of their Inspectors—

"There is no way in which the Government could improve the status, the loyalty, and the efficiency of the Irish teacher so materially."

There are only 1,400 teachers' residences for 5,000 schools, and the want of a residence is felt more in Ireland than in England. In England, if the teacher can pay for it, he can always procure a residence; in Ireland, frequently there is none to be had near the school. The Commissioners report that the teachers have frequently to walk from three to five miles to their school, and in many cases can procure lodgings only in a public-house, the last place where a teacher ought to reside. But I wish to state at once that the question of providing residences for teachers is intimately connected, in my opinion, as my Resolution shows, with another question—that of local contributions. There is no use in evading the question; local contributions in Ireland fall far short of what they ought to be. There are, I know, many good reasons why we cannot expect as much in this respect in Ireland as in England. In the first place, you in England have been centuries providing for the needs of the population. You have had for years churches, many schools, and many school endowments. The Irish people, on the other hand, have had within the present century to provide all their churches and all their schools—of National schools alone, nearly 4,000 have been built without any aid from Government. In the second place, in England the landlords reside amongst the people, are of the same creed with them, and contribute very largely to the building and supporting of elementary schools. In Ireland, the landlords are largely non-resident, and, differing in creed from the people, contribute very little to their schools. It should also be borne in mind in estimating the voluntary contributions to primary education in Ireland, that, as the Royal Commissioners point out, nearly £100,000 a-year is subscribed for the support of primary schools other than National. Yet still I do not hesitate to say that voluntary contributions fall short of what may fairly be required; and still more, that primary education can never be put on a satisfactory footing until local interest is more enlisted by local contributions and local management. Such was the conclusion of the Royal Commissioners, who recommend—

"That the grant made by the Commissioners of National Education should bear a fixed pro-

portion to the amount locally contributed, and that the Commissioners should maintain this rule in all places except those where they should be satisfied that, after all due local exertion has been made, its application would close a necessary school."

In fairness I should state that there were three Irish dissentients to this recommendation—Sir Robert Kane, Mr. Justice Morris, and Mr. Waldron. But it is no use to lay down the principle of local contributions, unless in default of subscriptions you have a rate to fall back upon. I therefore fully endorse the recommendation of the Commission—

"That, in default of voluntary local payments or school-fees, the requisite local contribution should be raised by rate."

Now, this question of providing teachers' residences affords a very favourable mode of dealing with the subject of local contributions. The Commissioners recommend—

"That a house, or house and garden, should be considered as equivalent to local aid to the amount of its fair value ;"

and I believe that whilst a universal school-rate would not be either fair or practicable, local authorities would often be willing to vote money for a school residence. And to facilitate this I would make two suggestions: first, "that loans under the Land Improvement Act should be authorized for providing teachers houses," and, secondly, that in such cases, half the annual instalment might be paid by the National Board, if the other half be provided locally. These recommendations are substantially adopted by the Royal Commissioners and the Board of National Education. The latter estimate the cost of a house at £200; but, I believe, in country districts a sufficient one could be built for £100, the annual instalment would be £5, one-half contributed locally, one-half paid by the Board. I need hardly add that such houses should be vested for the purpose of teachers' residences, not in the National Board, but in local trustees. I now come to the question of the payment of teachers; and, as the House will perceive, I advocate the extension of payment for results in opposition to the increase of class salaries. And here I should not be acting frankly towards the House if I did not state at the outset, that very many of my friends, the Irish Members, differ from me on this point, and that the teachers, as far as can be

ascertained, are unanimously in favour of class salaries. Indeed, the teachers have remonstrated against a private Member like myself interfering in a matter which, they say, concerns their interests, and assert that it should have been left wholly in the hands of my Friend the hon. Member for Kildare, who represents them, and who is, in their interest, to move an Amendment to my Resolution. Sir, if the interests of the teachers only were concerned, I would have willingly left them to the able advocacy of my hon. Friend, in whose hands those interests would be much safer than in mine; but there is something much dearer to me than the interests of the teachers—though I sincerely desire to serve them—that is, the interests of education, the interests of the children; and holding the opinions I do. I should be neglecting my duty if, to court popularity, I shrank from urging them. But first let me explain that the question between us is one of degree. The Royal Commissioners recommend that, the class salaries being increased to some extent, all further additions should be made on the principle of payment for results. The addition to salaries which they recommended has been made, and what I urge is, that all further payments should be by results; and first let us see what is the weight of authority on this point. Payment by results in preference to increased salaries was recommended by the Royal Commissioners unanimously; and if any hon. Member will turn to page 294 of their Report they will see the array of competent witnesses by which it was supported. Sir Alexander Macdonnell, the late Resident Commissioner, Mr. Keenan the present one, and all the officers of the National Board who were examined; two Episcopalian and three Roman Catholic Bishops, and, as the Commissioners say, "the majority of those who are practically acquainted with educational details;" whilst the few who were opposed to it were really opposed rather to details. Such was the evidence in its favour before it was tried; but it has now been in operation for three years, and what is the opinion of those most competent to judge? The Commissioners of National Education on the 19th of November, 1874, unanimously recommended that it should be continued and extended. I will trouble the House with

Mr. O'Reilly

but four short extracts from letters I have received on this subject from persons most qualified to speak with authority. The first is Mr. Vere Foster, a gentleman who has devoted more time and money to the promotion of education in Ireland than any other man, and than whom the teachers have not a better friend. He has sent me a series of letters in which at this time he advocates increased payments by results in preference to increased class salaries. The Roman Catholic Bishop of Clogher, whose diocese embraces the county of Monaghan, writes to me that in his opinion, and that of all the school managers of his diocese, nothing has ever done so much to improve the teaching as payment by results, and that they earnestly desire to see it maintained and extended; so also the Bishop of Elphin, whose diocese extends through the counties of Sligo and Roscommon, writes—

"The mixed system of payment partly by salaries and partly by results which is now in use exercises a most salutary influence on teachers, pupils, managers, and parents. I can state as a fact that this system has produced to a remarkable extent those good effects in the National schools of this diocese, which number over 250."

So also the Roman Catholic Primate, whose diocese embraces the counties of Armagh and Louth, writes to me on his own part and that of all the priests in his diocese who are school managers to state their approval, founded on experience of payment by results, and their desire for its extension. Sir, these four letters are voluntary testimonies which since the terms of my Motion were published, I have received in its support. I believe the immense majority of school managers of all creeds are favourable to it. I now challenge my hon. Friend and those who oppose me, to produce on their side the opinions, not of school teachers, but of school managers. Such is the weight of evidence, but are there any facts by which we can test the working of the system? There is one very significant one. The Commissioners of National Education in their Report for 1873 point out—

"That whilst there was an increase in the number of children on the rolls of 14,262, there was an increase in the daily average attendance of 17,550."

And they add—

"This increase in the latter shows a decided improvement in the regularity of the children's attendance."

So also the proportion of children on the roll who made the required 90 attendance was 50 per cent, whilst the old average attendance was, as I have shown, only 45 per cent. So also the proportion of children who made the requisite attendances, presented for examination, who passed it most satisfactorily: it is, of infants, 86 per cent; of first class, 80; of the second, 84; of the third, 90; of the fourth, 94; of the fifth, 96; of the sixth, 96 per cent. Let me examine now the objections which have been put forward on the part of the teachers in the documents which have been sent to me and other hon. Members. In the first place, it is said that under the system of results the lion's share of the payment is monopolized by convent and other large schools. I do not know why convent schools should thus have been put forward, except to excite prejudice; as a matter of fact, convent schools receive less than others. With the exception of seven, they are not paid class salaries, but a capitation-rate on the scholars which amounts to much less. It is true they are paid like others for results; but do not they earn it? But take the case of large schools in towns. It is true a school of 300 children can earn as much as 10 schools of 30 each; but is not the number taught 10 times as great? Is not the teaching staff required larger, and the labour more severe? Those who know the difference in fatigue and mental strain of teaching in a small country school of 30, and in a crowded town school of hundreds, and have seen, as I have, the strength and health of women worn out in the latter, will not grudge the payments earned in these cases by results. But is it the fact that the teacher of a country school with an average attendance of, say 35, could not earn a fair increment to his salary by results? If hon. Members will turn to page 344, they will see how the Royal Commissioners calculated the probable results of what they proposed. They say—

"A school of 30 in average attendance ought to be able to earn on payment by results about £30."

And they go on to explain how they propose this should be done. They say—

"We have agreed that a third-class teacher should be secured a minimum salary of £24 (what it now is); "results should amount to

£11; and to this should be added school fees and a free residence for the teacher."

As, however, the present scale of results payments is somewhat smaller than that recommended by the Commissioners, I have made a similar calculation for myself. Let a country school have an average attendance of 34, of which 10 are infants; of these 80 per cent of passes will give £1 4s.; 15 in first class, 80 per cent of passes will give £3; 6 second class, 80 per cent, will give £1 10s.; 3 third class will give £1 7s.: a total of £7 1s. I have further consulted those connected with the Board most competent to form an opinion, and they assure me the least such a school ought to earn is £8. And let the House remember that if the amount devoted to payment for results be doubled, and consequently the scale raised, the above amount will be doubled also. But I will give the House not only theories but facts; and those not selected for a purpose but the first that have come to hand. In a village school in the county of Louth, where I live, the average daily attendance in the male school was 39, the number who made 90 attendances being 40. In that case the master's class salary was £24, but he gained by results at the present low standard the sum of £9 11s. 6d.; while in the female school the average daily attendance was 44, the number who made 90 attendances 47; the mistress's salary was £24, and she earned by results £15 14s. 6d. In an instance supplied to me by the hon. Member for the Queen's County (Mr. Dease), in a small mixed school, in the rural part of that county, the master's salary is £30, the amount earned by results was £11. But it has been said, a convulsion of nature, such as an earthquake or a flood, may cut off the attendance and deprive the teacher of results. Well, such convulsions of nature are not common; but it so happens I can supply an instance of one. There is a small rural mixed school on my property in a wild district of Galway. Hon. Members may have heard of the moving bog. About 18 months ago this moving bog, covered with a deep flood of mud a considerable tract of my property, and cut off from the school a considerable portion of the children who attended it. Yet for the year 1873 that school earned £17; and this year, although the accounts are not

Mr. O'Reilly

yet made up, the matter stands thus. The master's salary is £24; the average daily attendance 47; the number who made 90 attendances 62; and if they pass, the results fees will be about £20. Sir, much has been made by the teachers of the fact that many hundred schools have earned less than £5; nay, very many less than £1. But does not this suggest the question, not whether such schools receive too little, but rather whether they are worth the class salaries paid? If a school does not produce results to the amount on the present standard of £1, is it worth £24 or £30 of class salary? I will take the most remarkable case which is put forward. A school in the County Wicklow, in a hilly, but by no means a wild or uninhabited district, earned by results only 5s. 9d. Do hon. Members realize what this means? Two infants who passed would have earned 6s.; so there was not that much; one child in the second class would earn 5s.; so this school could not show work for the year equal to teaching two infants "their letters and to read words of two letters," or one child taught the three R's. Nor will the epidemic or storm theory answer these cases. Some hundreds, not to say thousands of schools in Ireland cannot all have been afflicted with an epidemic or a thunder storm on the day fixed for examination; and I do not doubt that in such an extreme case the examination would be transferred to another day. I will notice only two other objections to payment by results put forward in papers which have been sent to me by Teachers' Associations. One is in these words—

"Our deliberate and unanimous opinion, after three years' experience, is that we look upon this system as having completely failed in its objects."

I have given the House the means of judging how far the system has failed in its object of improving education in Ireland. The other objection is—

"It has introduced a wholesale system of cramming, instead of the intellectual teaching which was heretofore the distinguishing characteristic of the instruction given in our National schools."

An "intellectual teaching," in which half the pupils were in the first book, and under which, as Sir Alexander Macdonnell stated, the time occupied in teaching the elements was double what it ought to be. There is one real and

serious difficulty in extending the present system of payment by results; but it is one, I believe, easily met. It is the case of schools in very sparsely inhabited districts, where the attendance is permanently and necessarily very small. These cases may be met in either of two ways. Either the Commissioners may be empowered in such districts to exceptionally increase the class salaries; or, what I would much prefer, the scale of results fees might in such districts be raised; so that, for instance, when a result was paid for elsewhere 2*s.*, it might there earn 2*s.* 6*d.* By this means a school of 28 in such a district might be enabled to earn as much as one of 35 elsewhere. A very grave grievance on the part of the teachers is the absence of any provision for their declining years. I am fully aware of that fact; but having reflected upon it to the best of my power I have failed to devise any system of pensions which I could recommend with any confidence in its acceptance by the nation. If any one should propose a practicable system of pensions I would support it gladly. The proposal contained in the Report of the Royal Commission was, that teachers might be assisted by Government or local aid by means of deferred annuities. I think that was a practical suggestion which might be adopted, and therefore I have embodied in my Resolution a proposal that teachers should be assisted to obtain deferred annuities. There are, however, great difficulties in paying each year a portion of the premium, and I think the same end may be better attained by a slight modification of the plan. It is that where a teacher has purchased a Post Office deferred annuity of a given amount, which falls due at a certain time, if he has then served 10 years, he shall have an additional annuity of half the amount purchased for him; if 20 years, an annuity of equal value; and if 30 years, an additional annuity representing the value of one and a-half. Sir, I have to thank the House for the patience with which it has listened to what was necessarily a dry, and, I fear, a wearisome statement. I have laid open with an unsparing, but I hope a just and impartial—I am sure with a not unfriendly hand—the shortcomings of primary education in Ireland. It were an easier and a more agreeable task to speak pleasant things. It is always an un-

grateful duty—to none more ungrateful than to me—to point out defects and shortcomings.

“Pudet et hæc opprobria nobis
Et dici potuisse et non potuisse refelli.”

But it is necessary, in the first place, boldly to face an evil and measure its extent, if we would provide for it an effectual remedy. I have stated what I believe to be the evil; I have suggested what appear to me the appropriate remedies. I venture to ask for these suggestions from the friends of education on both sides of the House a calm and fair, I would even say a favourable consideration; I would ask those who may on some points differ from me to bring forward their suggestions—

“Si quid novisti rectius istis,
Candidus imperti; si non, his utere mecum.”

One thing I entreat you not to do. Do not recognize the evil, yet abstain from applying a remedy. Do not shrink from doing what you see to be right because it may offend prejudice, or acquire you unpopularity. Do not put away the subject because it is difficult; or defer action because it is troublesome. Do not say, “Yet a little time for slumber; yet a little folding of the hands to sleep.” I make this appeal, not in the interests of any party, or even in the interests of any particular religion; I make it in the interests of the hundreds of thousands of poor children, who look to you to put within their reach a good, a sound and an available education, so to redress, as far as human laws can redress, the inequalities of fortune and the ills of poverty. I make this appeal in the interests of the Empire whose greatness and whose stability depends on its citizens being well-educated, and therefore reasonably prosperous, contented, and loyal. The hon. Gentleman concluded by moving his Resolution.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in order to make Primary Education in Ireland efficient, it is essential to provide well-trained teachers, fitting school buildings and teachers’ residences, and adequate remuneration for the teachers; and that these objects can be best attained by supplementing the present system of training teachers by the establishment of non-vested training schools which might receive grants for teachers efficiently trained; by a contribution out of local rates to the erec-

tion and maintenance of schoolhouses and residences under local management, such contributions to be supplemented by grants; by continuing and extending the present system of payments for results; by requiring local contributions from rates or otherwise (a free residence to be considered as equivalent to local aid to the amount of its fair value); and by assisting teachers to obtain deferred annuities,"—(*Mr. O'Reilly*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MELDON, in rising to oppose the Motion, said: I rise on the part of the National school teachers of Ireland, numbering as they do very nearly 10,000 persons, to protest in the strongest manner possible against the Motion of the hon. and gallant Member for Longford which he has just brought forward. I also protest against the introduction by my hon. Friend of several questions into the one Motion, upon some of which most of his Colleagues in the representation of Ireland, including myself, heartily concur with him and of others in which he must necessarily be almost alone. If a direct issue was knit as to the necessity for the institution of properly-regulated training establishments it would be found that very few Irish Representatives would differ from the hon. and gallant Member for Longford. His Motion so far as it affects the teachers is both ill-timed, injudicious, and injurious to them. I object, Sir, to this Motion as being ill-timed and injudicious because at the present moment the Government have under their consideration the case of the teachers, because by the terms of the Resolutions which the hon. and gallant Member has proposed, it is sought to throw obstacles in the way of the Government fairly considering and bringing forward any scheme that would tend to benefit the condition of those whom I represent, and because by introducing political questions, which in my opinion ought to be studiously avoided, the difficulty of obtaining the removal of the grievances so justly complained of has been vastly increased. I think it is highly injurious because the scheme or system which my hon. and gallant Friend has to-night brought before the House ostensibly for the purpose of improving the position of the National school teachers of Ireland, is eminently calculated to make

them still more dissatisfied, to disappoint the hopes which they have that something substantial will now be done for the bettering of their condition, and because, in my opinion—putting aside the case of the teachers—education in Ireland must necessarily be injured if his views are adopted. I have already said I entirely concur with my hon. and gallant Friend in the view of the necessity for training establishments, but in my opinion the discussion of that question is seriously hampered and interfered with by being brought forward on this occasion and by being mixed up with the other questions now being considered. In the interests of the teachers, therefore, I at present decline to enter upon any discussion of this matter, or of the more difficult one of local taxation. Last Session I had the honour to bring under the consideration of this House a Motion for the improvement of the condition of the Irish National school teachers. On that occasion it was conclusively shown—and I am not aware that there was any person either inside or outside of this House who denied—that the teachers had real and substantial grievances which ought at once to be redressed. I may divide their complaints into three heads. They complained—1st, that their salaries were not sufficient; 2ndly, of the great want throughout the entire country of residences; and 3rdly, that when they were overtaken by old age or infirmity, no provision was made by which they could obtain pensions. It appeared to be the unanimous opinion of the House that these complaints were all well-founded and ought to be removed; but upon the assurance of the Government that the subject would have the serious consideration of the Government, I with the assent of all the hon. Members who supported me withdrew the Motion and left the matter in the hands of the authorities. During the Recess the right hon. Baronet the Chief Secretary to the Lord Lieutenant for Ireland having the advantage of every information that could be obtained, set to work with a will to make himself acquainted with the facts, and the greatest hopes are felt that a better time for the teachers is at hand. That being so at the commencement of this Session, I advised those who were acting for the National school teachers, and on my advice the great body

of teachers throughout Ireland agreed that the proper course to adopt was to leave the matter entirely in the hands of the Chief Secretary, and to wait patiently until it was the convenience of the Government to disclose to the House the result of the consideration which he had given to the question. Under these circumstances, the teachers consider that they have hardly been fairly dealt with by the hon. and gallant Member for Longford in having the discussion of this matter brought forward at the present time, and they also complain that my hon. and gallant Friend should have brought on his Motion at such an early period of the Session without giving them fair or due Notice. On Saturday last for the first time the terms of the Resolution were made public and were put down upon the Order Book of this House. The course pursued has precluded the teachers from presenting to this House the numerous Petitions, which they otherwise would have done, against the system now proposed. I may state, however, that in the interval between last Saturday and to-day, I myself have received communications from over 5,000 teachers by means of resolutions passed at, I am informed, more than 200 meetings of Teachers' Associations throughout Ireland, and I believe that the majority of Irish Members have received from their various constituents, memorials and resolutions requesting them to oppose the Motion now brought forward. Indeed, it seems that the hon. and gallant Member for Longford in the course which he has pursued ostensibly for the benefit of the teachers has not the concurrence of a single one of the entire body. [Mr. O'REILLY: The patrons are in favour of my proposals, but I admit the teachers are unanimously opposed.] Thinking as I do, therefore, that the interests of the National teachers would be injured by a discussion of any of the political questions which have been introduced by my hon. and gallant Friend, I will not on the present occasion follow him in those portions of his Motion which deal with training schools or with local taxation. I think the best course for me to adopt will be to state shortly the views which I take of the claims of the National teachers. It appears to me that it is the duty of the Government to see that those employed under, what I must unfortunately call a "State sys-

tem" of education, should be properly paid, and that their position should be such that they can honestly and fairly discharge their duties to the public. Once for all, I must protest against this system being called a "National system." Although this system has had the support to a certain extent of all classes and creeds, it still remains a creature of the State, and no other plan but denominational education ought, or, as I believe, ever will, be accepted by Roman Catholics as National. Now, I think I need only recall to the attention of the House the manner in which education in Ireland has been treated for the last 40 years. In 1831 the system now existing was introduced by Lord Stanley, and was most unfavourably received. Neither the Presbyterians nor the Roman Catholics were willing to lend themselves to the plan proposed, but Government after Government so fostered and protected the system that opposition gradually yielded thereto until in 1839 the Presbyterians of Ireland consented to accept the then existing state of affairs; and in 1861 the Roman Catholics, after obtaining certain concessions, gave their adhesion to the system so far as to take advantage of the facilities for education offered. The first Report issued by the Commissioners showed 107,042 children to be in attendance, and the existence of but 789 schools in the entire country. From the last Report which has been presented, it would appear that there are now 974,644 children attending 7,160 schools, that there are 1,353 vested and 5,294 non-vested schools. These figures show conclusively that the facilities for education have been availed of, but the number of non-vested schools show clearly that the Roman Catholics have not adopted the principle of this National education. No volunteer has interfered with the Government in the carrying on and protection of this system. To the Government the teachers look for their remuneration, and upon the Government devolves the duty of providing—if they wish the system to at all succeed—inducements to attract efficient teachers in Ireland. At the present moment the salaries of the Irish National school teachers, as I shall presently show, do not reach the pay of a sub-constable of police, in fact, a household servant or a scavenger here in

London are better paid for the work they do. The teachers complain that their salaries are insufficient, they complain that residences should be provided for them close to the schools where they have to teach, and they ask that, when broken down by age or infirmity they should not be left after spending all their life in the service of the public to the workhouse and to a pauper's grave. There are three classes of teachers in Ireland, and all they seek for as to salaries is to have fixed class salaries of £1 per week for third-class, £1 10s. per week for second-class, and £2 per week for first-class teachers. Now, Sir, the number of teachers at the present moment in the service, exclusive of those employed in the convent, monastic and workhouse schools is 9,802, of these 7,488 or 76 per cent receive class salaries of from £20 to £24; 2,113 teachers, or about 21½ per cent, are of the second class, and receive from £30 to £38; and 201 teachers, or 2 per cent, receive from £42 to £52 per annum. The total salaries of all the teachers amounts to £264,882, or an average salary of £27 10s. 2d. per teacher. The results fees for the last year amounted to £90,755, or an average of £9 8s. 6d., while the local emoluments amounted to £61,670, being an average per teacher of £6 8s. 1d. These calculations, which are accurately made from the Returns in the Appendix to the 40th Report of the Commissioners, show that the average salary of the teachers from all these sources amounts to £43 6s. Now, what is this salary for men and women who spend their lives studying and teaching? Why, it is barely sufficient to keep body and soul together, and when we remember that out of this paltry salary school rents have frequently to be paid, residences provided, provision for old age made, and the teacher's family to be supported, it is scarcely credible that such a state of affairs exists. When we look at the salaries of the English and Scotch teachers we find that the average salaries of male teachers in England is £103 10s. 10d.; of female teachers, £62 9s. 11d.; and in Scotland the male teachers receive £110 7s. 10d., and the female teachers £58 14s. 4d. Now, the hon. and gallant Member for Longford proposes, undoubtedly, that the condition of the Irish teachers should be improved, but the course which he points out is

Mr. Meldon

not likely to accomplish that object. He proposes to extend the system of payments by results—a system which even to the extent it has already gone does not appear very clearly to be beneficial. There are many objections which in the interest of education alone can be urged against payment of teachers by results fees at any time; but the introduction of the system, in 1872, was based upon an unsound principle. I can very well appreciate the argument that, as a stimulus and incentive to greater exertion, payment by results to a limited extent might work well; but in 1872 it was introduced not to improve the quality of education, but merely for the benefit of the teachers and for the purpose of increasing their salaries. The system is also open to the objection that mere cramming and mechanical teaching is resorted to, and no real and lasting effect is produced upon the minds of the pupils. The regulations in force for the advancement of pupils from a lower to a higher class works also very badly, because a teacher is not allowed to present a pupil for examination for results, in one class, more than twice—except in the infant classes—and it very often happens that pupils who attend on only a limited number of days are forced by this plan into classes more advanced than they are fit for, and all chance of a substantial education is destroyed. If the teachers were first given a sufficient salary and then a system of increased payment by results was introduced with the view of stimulating the exertions of teachers to give to their pupils a better quality of education then, I think, such a system would be most satisfactory. I do not propose entering more fully into this question, because the teachers in deference to the wish of their superiors do not ask that the present system shall be altered; and I pass on to consider whether any extension of the results system will be beneficial either to education or to the teachers. The chief defect of the mode adopted of payment by results is that it works very unequally. Those teachers and schools which have least want of assistance obtain by this system the greatest advantage. Schools in populous districts attended by pupils of an higher order of intelligence in localities where voluntary contributions are large, obtain infinitely more advantages by payments for re-

parts than in poorer and less prosperous parts of the country. In these latter places, although the work of the teachers is more laborious, although education is afforded under much greater difficulties, and where all the help that can be given by the State is wanted, little or nothing can be earned as fees for results, even in favourably circumstanced schools, so great is the uncertainty connected with this system that a teacher can never say what in reality his income is. To show the great inequality between the payments by results in large and prosperous schools and the smaller and less favoured ones, I will just refer to a few cases taken very much at random out of the Appendix I have before alluded to. The Belfast District Model School earned £523 2s. 8d. last year for results; the Victoria Street School, £117 7s. 6d.; Lurgan School, £126 9s.; Coleraine Model, £117 16s. 3d.; Central Model School, £400 2s. 6d.; Galway Model, £76 2s.; Sligo Model, £143 3s. 6d. Now 33 per cent of all the schools in Ireland earned less than £10 for results, and of this number a very large proportion earned less than £5. It is perfectly manifest that the hon. and gallant Member for Longford has brought forward this Motion, so far as he seeks to extend the system of payment by results, in the interest of a few most prosperous schools that really want assistance the least. The next objection is the uncertainty in the attendance of pupils over whom the teacher has no control. In many districts in Ireland the children are engaged in manual labour and cannot attend during some parts of the year, although they can be tolerably regular in their attendance at another time. Consequently, the teacher may not be able to present such pupils for examination on the days appointed, and thereby loses the benefit of all his exertions in the education of such pupils. An epidemic may be prevalent about the time of the examination, and probably the greater number of the scholars will not be able to present themselves for examination or possibly will have gone to some neighbouring school. Accidental causes such as sickness, severe weather, or absence of parents, may very frequently cause the absence of pupils just at the time appointed for examination. Again, parents—since the introduction of the results system—refuse in many

instances to pay any school-fees, because they say the teachers are doubly paid, first by class salaries and then by results. The teacher cannot insist upon payment, because the neighbouring schools are open freely to the scholars whom he may refuse to receive. The system holds out a very great inducement to poor, unfortunate, underpaid teachers to falsify the attendance book, in order that they may reap the benefit of their exertions in bringing forward pupils that can pass the examination. The Reports of the Inspectors clearly show that, under existing circumstances, this temptation is very great, and it is hard to blame teachers who err in this respect when we consider that in many cases they do so in order to keep starvation from their doors; and the case of a teacher who knows that he can earn a few shillings by altering the attendance list in the case of a pupil—who probably has attended almost the full number of times requisite to entitle him to be examined—can hardly be too leniently judged of. The extension of the system, however, by increasing this temptation is, I think, a sufficient reason why no such extension should be adopted. Teachers of Infant schools suffer very heavily by the system of payment by results, because it is impossible, no matter how much labour is bestowed on the education of infants to bring them up to the required standard in a period less than from two to three years, whilst the fees to be earned are so much smaller than those allowed for grown children. Again, many children are not sent to school until after the age for earning results in the Infant schools, so that they must be taught in a class with the infants gratuitously. Again, great temptation exists for a teacher to neglect the education of pupils who are not regular in their attendance thinking that his time is much more profitably employed in the education of those who will be likely to enable him to earn fees under this system. Again, great uncertainty exists by reason of the different methods adopted by the examiners. One Inspector possesses a happy knack of extracting from a nervous child the knowledge which the pupil really possesses, whereas another may not possess as happy a manner. Thus, a teacher may earn twice as much by the same pupils upon an examination by one Inspector as he

could by the same pupils upon an examination by another. The proficiency of all classes of children depends just as much—if not more—on their regular attendance, their aptitude, and application as on the exertions of the teacher. I have already shown that where aid is least wanted, the attendance and aptitude of the scholars is most likely to be found satisfactory, whereas, where aid is most wanted—from causes wholly beyond the control of the teachers—the attendance is irregular, the aptitude below the mark, and all causes combine to lessen the remuneration of the teacher. Under the present system it must always be with the teacher a mere question of money—how much he can earn—rather than the quality of the education which he affords. The trifling amount of results to be earned in the rural and village schools is so small, no matter how great the exertion of the teacher may be, that this system adds little to the paltry salary which he is paid. The Inspectors and other authorities upon this question are not agreed by any means as to the prudence of even continuing the system of payments by results. Many of them are opposed to the principle, others of them think that it has not yet had a fair trial, but few—if any—could be found wholly to endorse the policy of the course now pursued. In conclusion, I will lay before the House a few statistics showing how this system of payment by results has worked in Ireland. For the past year, 6,731 schools were earning results, 561 of which earned less than £5; 1,921 earned under £10 and over £5, and 2,486 earned less than £10, or, in other words, 37 per cent of the schools earned less than £10, when it is remembered that in many of these schools there are two or more teachers employed, it will be clearly manifest that payment by results works the greatest injustice in the case of those requiring assistance the most. On these grounds, therefore, without further elaborating the points to which I have called the attention of the House, I submit that the teachers are justified in resisting any extension of payment by results. The next point to which I would like to bring the attention of the House is as to residences. I may premise by stating to the House that in England nearly 80 per cent of the teachers have free residences, whereas in Ireland 77·7

of the male teachers and 79·9 of the female teachers have to provide and pay rent for the residences. Upon the efficiency of the teachers depends very much the quality of the education given to the youth of the country, and how is it to be expected that an unfortunate man or woman who has travelled, probably in the rain, three, four, or five miles—and oftener a greater distance—to their schools in the morning, can properly or efficiently discharge his or her duty as a teacher. Having remained teaching during the day, most likely without any fire in the schoolroom, for, unfortunately, the only provision made for fuel in most cases is the contribution by some of the children of a few sods of turf, the same unfortunate individual has to return the same distance never having had the opportunity of being able to change or dry his or her wet clothes. In order to show the House that I am not in any way putting an extreme case, I will read the evidence of one of the most experienced of the Head School Inspectors given in his Report to the Commissioners, contained in the Appendix from which I have already quoted—

“The teachers in numerous instances suffer great inconvenience for want of residences near their schools. Many of them are obliged to walk six or more miles daily in the discharge of their duties, and it is evident that this labour, more especially in the case of females, must exercise a depressing influence on their energies in school.”

I think I need not elaborate my arguments on this question further, but content myself by stating the foregoing facts. The remaining point to which I will address myself is the question of pensions. Now, my hon. and gallant Friend has called attention to the Report of the Commissioners, and has brought this question very fully before the House. I press for the granting or securing of pensions to National teachers as much—if not more—in the interests of education itself as for the benefit of the teachers. It is of the utmost importance that the very best class of instructors for the youth of the country should be obtained. The Civil Service appointments and other pursuits where pensions are granted attract at present the most suitable and proper persons. If the position of the National teacher were so improved that young men of ability would feel certain that the workhouse

and a pauper's grave could not possibly be the conclusion of a life spent in the faithful discharge of onerous duties, there would be no difficulty in having the most competent and efficient teachers that could possibly be desired under such circumstances. A teacher who had once gone through a course of training would remain in the service instead of at present after a very short period either migrating or adopting another following. The gratuity given by the Board in cases approved of by the Treasury is sufficient to maintain the superannuated teacher for a year or two at the most, after which he must trust himself and his family to the care of the union and become a burden to the rates. Another and most injurious effect of the present system is to retain as teachers persons aged and infirm who have long ago ceased to be efficient as teachers. Patrons and managers of schools cannot possibly turn adrift these old and incapacitated teachers, because they know the misery that such dismissal must necessarily cause. If pensions were secured the services of all these teachers would forthwith be dispensed with. Young and efficient persons would immediately be found who would supply their places, and we should have a class of teachers far in a way superior to those who at present have charge and control over the education of the country. I regret to say that the number of cases I could allude to is so numerous that it would weary the House if I went into detail. Suffice it to say it has been shown that there were on the night when the last Census was taken 111 National teachers in workhouses, all of them infirm and aged or otherwise incapacitated. I admit that there is a difficulty in this question about pensions because National teachers are not Civil servants; but I have already proved that it is the duty of the State to provide sufficient inducement to attract a supply of efficient teachers. I have shown how the State interferes directly in the payment of the teachers, and above all, I have called attention to the fact that gratuities cannot be given by the Board without the express sanction of the Treasury. To meet the objection that the National teachers of Ireland are not Civil servants, I would suggest to the Government to bring forward such a scheme as is proposed by my hon. and gallant Friend by which deferred annui-

ties can be obtained, the Government contributing a very substantial sum towards such purchase leaving it to the teachers to supply the remainder; but before any system of this kind can be adopted the remuneration of the teachers must be so increased as to enable them to maintain themselves and their families in comfort and decency before they think of providing a fund for the purpose of provision for old age. I have now shortly alluded to the points, which in my opinion demonstrate that my hon. and gallant Friend—in the proposal which he has to-night made to the House as to the extension of the system of payment by results—is entirely mistaken. I know there is not in this House a man more sincere in his opinions and more honest in his convictions than the hon. and gallant Member for Longford; but I feel convinced that on the present occasion he represents a very small number of the patrons of schools who have been devouring the lion's share of the money given by the State as remuneration to teachers by payment for results. I appeal to this House in the interest of education, in the name of the Irish people on the part of the children of Ireland, not to allow this system of payment by results to be extended. I implore of the Government on every ground that can or ought to influence a statesman or a Minister at once so to improve the position of the National teachers that education in Ireland can be carried on effectively. I beg of the Chief Secretary to take into his consideration the case of the National school teachers of Ireland; all they ask for is a mere competence; they desire nothing further than to have the causes which have led to their present grievances and complaints removed; they wish to settle down to their duties, to do the best they can faithfully and honestly to carry out the great and important work entrusted to them; they wish to have their minds freed from anxiety and to devote themselves cheerfully to the duties which they are called upon to discharge. I know that if there is gratitude in human hearts, the National teachers of all others will be the most ready to acknowledge the benefits which will be conferred upon them by a favourable consideration of their case by the Government and this House. I repeat all they seek for is to have third-class salaries increased to £1 per week,

£1 10s. for second-class, and £2 for first-class. This question cannot be considered as in any way a party or a political one. The system is a State one, nothing more is asked than bare and simple justice, and I think that the right hon. Baronet the Chief Secretary for Ireland has now an opportunity of showing to the country that the promises which he made last Session he is willing to fulfil, and I can assure him that the conciliation of such a large body of men in Ireland who have entrusted to them the education of the rising generation, will, in no small way, assist in impressing upon the Irish people the desirability of cordial union with this country. I am proud to say that I believe the people of Ireland desire nothing better than the most friendly and close intimacy with the people of this country provided you will only govern us as you would govern yourselves, and I believe this feeling will be much assisted if the Government will prove to the teachers of Ireland that they are ready and anxious to do for them what has already been done for the teachers of Great Britain. If at a later period of the evening the Amendment of my hon. and gallant Friend shall be assented to, I shall move the Amendment to his Resolution of which I have given Notice—namely, to leave out all the words after “teachers efficiently trained” to the end of the Amendment, in order to add the words—

“By providing free residences, by continuing the present system of payment by results, by increasing the class salaries of all teachers, and by securing to teachers pensions.”

MR. LYON PLAYFAIR: I have often been surprised that no Irish Member up to the present time has called attention to the very important Report of the Royal Commission on Primary Education in Ireland. It is a Report replete with interest, and remarkable for the recommendations which it contains. My hon. and gallant Friend the Member for Longford (Mr. O'Reilly) has done good service by drawing attention to it. His Resolution contains some proposed improvements of the present administration of Irish schools which all friends of education will cordially consent to endorse; but it contains other pledges which I hope this House will be slow to give. The Resolution begins by admitting the want of efficiency in the present mode of conducting National education in Ire-

land. Now, on this and on another point relating to Irish education, there are two popular delusions which have sunk so deeply into the convictions of the English people that it is difficult to root them out. The first is, that Irish education is undenominational; the second is, that the results of the Irish system are such as justify pride on both sides this House. Never were delusions more complete. No less than 99½ per cent of Irish National Schools are managed denominationally, and only ½ per cent are under mixed management. The present Irish Schools are simply denominational schools with a time-table Conscience Clause. Not only are they managed by separate sects, but their actual management is mainly clerical. In fact 70 per cent of them are managed by priests of the several persuasions, and only 30 per cent are under lay management, but of the Roman Catholic Schools 85 per cent are under clerical patrons. Therefore, the present national system is entirely denominational, and the denominations must have the credit or the discredit of their efficiency or failure. Then we come to the second delusion of the English people, that the results of the system are creditable to the wisdom of Parliament, and are sufficient to justify our own congratulations. This delusion ought to be dissipated by the astonishing revelations of this Commission. In the first place, we find that the children on the rolls are only nominally scholars, for the Commissioners tell us that only 36 per cent of them attend school regularly, and that 64 per cent are conspicuous by their absence. In other words, the school truancy is three times greater than it was in England before the introduction of compulsion. I know of nothing in the history of education of any civilized country in modern times which is so lamentable. No school system could be efficient under such conditions, and, therefore, we ought not to be startled at the recorded results of the system. The Commissioners tell us that no less than 45 per cent of the children at school are in the first book, or in the one immediately above the A B C. To understand how low the level is, let me compare these results with those in Great Britain in 1869, before the new Act gave a stimulus to education. In Great Britain, of all the children on the roll, 42 per cent passed in reading; in Ireland, only 18 per cent. In Great

Britain, 40 per cent passed in writing; in Ireland 8 per cent. In Great Britain, 36 per cent passed in arithmetic; in Ireland, the Commissioners declined to give us an estimate. A question naturally occurs to all our minds. If the children of Ireland have such low education, in what condition are the men and women of Ireland? The late Census gives us some particulars on this head. It classes as literates all who can either read or write, not those who can do both, and it classes as illiterates those who can do neither. I have not yet seen the summary tables for Ulster and Connaught, but I have in my possession those for Leinster and Munster, and the results are these, taking the nearest decimals. In the Province of Leinster 30½ per cent of the Roman Catholics, 7½ per cent of the Episcopalians, and 6 per cent of the Presbyterians can neither read nor write. In the Province of Munster it is still worse, for 41½ per cent of the Roman Catholics, 7½ per cent of the Episcopalians, and 4½ per cent of the Presbyterians can neither read nor write. Only the Returns of four counties in Connaught have reached me, and they give still more startling results. Leitrim has 33 per cent; Roscommon, 40 per cent; Galway, 56 per cent; and Mayo, 57 per cent of the people above five years of age unable either to read or write. In Ulster the smallest percentage of illiteration is in Antrim, where it is 15 per cent; the largest in Donegal, where it is 42 per cent. Does the House realize these astounding facts? We are spending £500,000 annually for education in Ireland, and the system has been in operation for a generation, and these figures show what a melancholy outcome there is for our efforts and expenditure. The administration of the system is an educational failure. So far, I agree entirely with my hon. and gallant Friend. His first condition for improving the system is to train the teachers, to improve their dwellings and the schools, and to give them better remuneration. Further on in the Resolution, he indicates that local management and local rating should be brought in aid of these requirements. I know my hon. and gallant Friend to be a zealous educationist, and I think he includes much that is desirable in these comprehensive suggestions. He has shown the House clearly that the teachers are in-

sufficiently trained. In fact, so loosely have the Commissioners of Irish Education held the reins of the system, that they empower the manager of a school to appoint any man or woman he pleases to the office of teacher, whether he is lettered or ignorant. The Inspector after the appointment would draw attention to any glaring incompetency, but previous to it he has no power. Teachers are then classified by the Inspectors, and about one-half of the principal teachers are in the third class, one so low and unsatisfactory that the Commissioners recommend that it should be raised. Even the teachers trained in the model schools and in the central Dublin training school have no training comparable to teachers in this country. With us, they must be five years as pupil-teachers, and then must have two years in training colleges. In Ireland a residence of six months is considered sufficient training for a teacher, even without the preparatory preparation of pupil-teachership. My hon. and gallant Friend is therefore quite justified in asking this House to look more carefully to the training of teachers in Ireland, for no principle in education is more firmly established than this—that the efficiency of the school depends upon the efficiency of the teachers. My hon. and gallant Friend points to their low salaries, and proposes that they should be raised; but happily he does not suggest that the State should bear all the burden. At present the teacher is the servant of the clerical manager of the school. The manager appoints and dismisses him, but the State furnishes five-sixths of his pay. The education of an Irish child when the Commission reported cost 19s. per annum, of which the child pays in fees 2s. 7d., the locality in subscription only 9d., while the State pays 15s. 8d. My hon. and gallant Friend is not unreasonable enough to ask this House that the State should pay more, when it is the local manager who assumes all control of the teachers, whom, however, he refuses to pay, and whom he discourages from being trained and made efficient in the Government training schools. The position of teachers in Ireland is thoroughly unsatisfactory. Their pay seldom reaches, and is generally inferior to, the wages of an artizan, and their tenure of office is precarious.

It is the universal experience of nations that, however vigorous may be the central administration, however active the local management, the success and civilizing power of schools wholly depend on the character, position, and attainments of the teachers. If the civilization of Ireland is to be increased by education, the position of its schoolmasters must be raised, so that they may be removed from the class of justified grumblers, and be made firm and staunch allies of the State. But that cannot be done by the State alone. The localities must take part in the local government and local expenditure on education. If Ireland contributed like England by local subscriptions, even before rating was established in 1870, she ought to subscribe for her schools £110,000 annually. If you take away £4,000 of endowments, she only now gives £10,000 by local contributions. This, in reality, is a significant and startling fact. The poorer classes in Ireland are an example to us in their independence of public aid, for pauperism among them is much less than in England; but the middle and upper classes show them a bad example in the matter of education. Instead of contributing, as men of property and position do in Great Britain, to the education of the poor, the Imperial purse is always looked upon as the source of expenditure. Until Irish districts rate themselves, or are rated by Parliament, for the support of education, it is in vain for us to expect improvement either in the condition of the teachers or of the taught. When you have rate-aided schools, then will arise interest in local management and justification for local control. At present the educational failure of the existing system shows that there is neither. I therefore cordially join with the hon. and gallant Mover of the Resolution in accepting local rating and local management as indispensable conditions for improvement. I will not follow him into the details of his application, though I quite agree with him that the conditions of the school-houses and of the dwellings of the teachers require great improvement. But how to improve them, either by local or Imperial aid, is a matter of great difficulty. By a letter of the Propaganda, of the 14th January, 1841, the Sacred Congregation advised that the property of school-houses should be vested in the

Bishops or parish priest, and in consequence of that policy, we find that three-fourths of all the schools are non-vested, or constitute property not legally destined for education. The application to them of rates would not be desired by the priests, or would not be permitted by the ratepayers. There are, therefore, serious difficulties in the way of the application of the good principles laid down in this Resolution. Nevertheless, the position of the teachers in regard to these non-vested schools is intolerable. Notwithstanding their miserable salaries, the Commissioners tell us that the poor teachers have to make the repairs of one-third, or exactly 33½ per cent of the non-vested schools, and that their miserable salaries are further burdened in nearly all cases—exactly in 95 per cent of the non-vested schools—with the supply of the maps and educational appliances. My hon. and gallant Friend is more than justified in asking for a genuine local, and not merely clerical, management, and for local rating to remedy these crying evils, however formidable may be the difficulties in the application of his remedies. He recommends nothing new. In the early days of the system, Dr. Doyle recommended mixed committees of management with a layman for treasurer: but under the loose administration of the Irish Board the management has become chiefly clerical. So far, I have been able to agree with the Mover of the Resolution in his diagnosis of the maladies of the Irish educational system, and of his measures for its cure. But now I separate from him. I see too clearly the evils which have arisen from non-vested schools to agree with him that he will improve the system by introducing non-vested training colleges. This is not a question in which one denomination is involved. All denominations in Ireland are equally at fault in the failure of the present system. The Episcopalians, the Presbyterians, the Roman Catholics, have all, at one time or another, opposed mixed education in the Government training schools. They have had their own way, with the most thorough completeness both as to the schools and as to the schoolmasters, and the system has proved a gigantic failure. The teachers are untrained, the scholars are uneducated, and the growing population of Ireland are in a state of almost incredible

Mr. Lyon Playfair

ignorance. ["No, No!"] Well, I have given you facts from public documents which unhappily prove each of these assertions. And yet we are asked to intensify the denominationalism which has been tried and been found wanting. My hon. and gallant Friend wishes denominational training schools. Can he give us securities that the various denominations would take a sufficiently high estimate either of what the teachers should know, or what the scholars should be taught? The Roman Catholic denomination is much the most extensive in Ireland; but I find nothing in the evidence of the Bishops examined before the Commissioners in proof of their desire for a high training of teachers. Take Cardinal Cullen's evidence as an example. He neither wants high training for a teacher nor high education for a scholar. His Eminence says, in speaking of teachers—

"I would not require certificates. Those who pass the best examination and get diplomas most readily are oftentimes the very worst teachers. They have their thoughts fixed on situations in which they could get on in the world."

That discontent with their present condition is just the thing that I should like to foster. Of course, this idea of non-certificated teachers is entirely opposed to our notion of English denominational training schools, but I find Bishop after Bishop pointing out the evils of over-training on such grounds as that trained teachers are less submissive to their pastors. And now as to the taught. Cardinal Cullen's idea of teaching is summed up in these words. He says that it should be limited to the three R's, and to the history of the Scriptures and of the Church.

"Too high an education will make the poor oftentimes discontented, and will unsuit them from following the plough, or for using the spade, or for hammering iron, or building walls."

Well, when I find a dignitary of the Roman Catholic Church with such power over its counsels, cherishing ideas of education which we have long ago abandoned as antiquated in this country, I am not disposed to yield the Government training system, inferior as it still is, for a denominational system which is likely to be much worse. The Cardinal tells us, in his evidence, that the Roman Catholic Church will not be satisfied until it has training schools, such as convents

and houses belonging to Religious Orders, for training teachers. In answer to that view, let me quote the opinion of one of the Commissioners, Sir Robert Kane, a man of eminence, and himself a Roman Catholic. He says—

"I consider it to be the fact that in every country where such a course has been adopted, it has resulted in the social decay and political debasement of the people."

If this were not true, it ought to have been disproved in Ireland, for there you have schools almost wholly under clerical management, resulting in a failure the most complete. If you are to supplement this system by a training of teachers under Religious Orders, the subordination of secular to religious teaching would be still greater. As Bishop Cloyne told the Commission, the Church ought to have control of every part of the education in the school except the multiplication table. This is the Middle-Age maxim revived—" *Ad eum qui regit Christianam rempublicam scholarum regimen pertinere.*" This clerical management of schools, whether Roman Catholic or Protestant, has had a trial of more than a generation, and we are now called upon to view the woeful results of the system. In England and Scotland the State has lately assumed its own sovereign functions in regard to education, and will soon, by compulsory education, far distance Ireland, which began a national system 35 years before England. The chief cause of the difference is, that in Great Britain lay management has been joined to the labours of the clergy, while in Ireland clerical managers have thought themselves capable of undertaking a work which they have failed to perform. For that result all denominations are responsible. When my hon. and gallant Friend points to the analogy of English training schools with those which he demands, there is no doubt some similarity, but also great dissimilarity in the comparison. There are Catholic training schools in England admirably conducted, and there are Catholic day schools quite as efficient as any in the country. But this result has been achieved, because they have had the same advantages as the other schools of the country. They have been under an efficient administration, responsible to Parliament, and like other schools have only been aided when they did their work well. But in Ireland there is

no real Ministerial responsibility for education, and the administration of the Commissioners has been so weak that they yield everything to clerical influence, and preserve no securities for success. They have allowed the school buildings to slip away from them, and while they continue to pay the teacher wholly, they allow the clerical managers to be his master without contributing to his wages. There is no lay local management as in England, and no local contributions worth taking into account, either by subscription or rates. What then is possible? First of all, there should be efficient Ministerial responsibility for our annually increasing Imperial expenditure, now more than £500,000. I urged that upon the House last year in a Motion upon a Minister of Education. But even without such a Minister, the Commissioners of National Education in Ireland should be subordinated to the Education Department, as the Scotch National Board is at the present time. The Irish system has failed, not from any want of boldness or sagacity in Lord Derby's original conception of it, but because the Commissioners have not carried it out. He always contemplated that local government should manage the schools, and mainly pay the teachers. My hon. and gallant Friend by the words of his Resolution simply comes back to the original system. Do as we do in Great Britain. Encourage local effort, but only in proportion as it is put forth. Pay with Imperial money only for efficient schools producing results useful to the country, and refuse to support those schools which do not. Surely he who pays the fiddler ought to name the tune. Then, when money is paid for efficiency only, you soon will find teachers trained in order to win the grants. How they are trained is a matter of secondary importance, if the State pays, as it does in England, only for the secular results of actual teaching. Our system both in Catholic and Protestant training schools is to pay nothing for the teachers while in training, but to credit the school with £75, if after two years' work in a regular school he proves his efficiency and obtains his certificate. The training college is inspected, and its teaching appliances are kept up to the mark, as a means to an end, but that end is tested by a two years' working of secular teaching in

schools unconnected with the training college. Now, I do not deny that there are no small arguments in favour of doing in Ireland what we do in England and Scotland, if we could trust the Administration to carry on the work in the same way and bring it up to the same standard. But that is not the recommendation of the Royal Commission, nor is it the meaning of my hon. and gallant Friend when he asks the House to pledge itself to "non-vested training schools." In both cases, the actual meaning is to hand over the training of teachers to the Religious Orders. That is a system utterly incompatible with a free and vigorous national life. Besides that, there is ample experience in Ireland on the subject. Even now the Christian Brothers and nuns in Ireland train teachers, and the Commissioners tell us that their schools are in no respect better than the other inferior schools of Ireland. The hon. and gallant Mover of the Resolution relied much on Mr. Fortescue's celebrated letter of June 1866, and seemed to think that the Liberal party were bound by its recommendations. I for one refuse to be so. It was written at a time when the signal failure of Irish educational administration was unknown. Education in Ireland is an instance of Home Rule, pure and unmixed, except that it is Home Rule supported by Imperial taxation. But it has entirely failed. Not until the educational administration is brought under Imperial control, and not until the educational standards of Ireland are made comparable to those of Great Britain, could you be justified in largely increasing expenditure, even were it not to be placed under the control of the clergy. The time has arrived when, in making new arrangements for education, national interests and not denominational interests must be consulted. At present there is a mixed system of training which with proper development—for it is now only equal to one-half the annual supply—might be made equal to the necessities of Irish teachers. As long as the Commissioners cede everything to the priests and receive nothing in return, the Catholic Church will oppose this mixed system. But if you follow the practice in Great Britain and refuse to pay for schools, unless they are efficient, the clerical managers will soon learn that the only means of

Mr. Lyon Playfair

winning money is to train the teachers. Do not be alarmed at the prospect of a conflict with the Catholic Church in Ireland. No doubt, the priests are very powerful when they are in unison with the feelings of the people. But the former know very well that the Irish wish good education, and if they oppose them in their wish, the priests will lose influence, and the people will gain freedom. Much as I wish to see local rating and local management for schools introduced into Ireland, I would not grudge to it a much larger amount of Imperial taxation than Great Britain receives in proportion to the population. But then, the enlargement and extension of education in Ireland should have a national, and not a sectarian object. It cannot be expected that a Parliament which has disestablished one Church in Ireland, shall endow other Churches through their schools. A fair trial has been given to clerical management in Ireland, and it has signally failed to produce useful results. The time has come for superseding clerical management by local government under a firm Imperial administration. The plan of low education has been tried in Ireland, and the people remain uneducated and dissatisfied. Other countries, notably Switzerland, Holland, Germany, and in part Scotland, have tried to give their people a higher education with the most happy results. They have found the education suitable for the demands of labour in all parts of the world, and those who remain at home and those who emigrate have prospered. In the model schools of Ireland, which my hon. and gallant Friend would like to convert into denominational schools, there is the material and the resources for a higher education of the people. The Irish people are remarkable for their natural intelligence, acuteness, and love of knowledge. If these qualities are not developed by the system of education now prevalent, it is the system and not the people who are at fault. You started the national system under fair auspices, for you had a people with a traditional love of knowledge. They held schools under the hedges. But all this desire seems to have been stifled by our existing low education, otherwise, how could there be whole Irish counties with 50 per cent of a population unable to read or write. The scope of education ought not to be

limited to the production of mere hodmen and rough labourers, but should suffice to raise an intelligent people above their present condition. It is not the interest of the nation that Ireland should continue to have a poor, half-educated, and discontented peasantry; but it is the interest of the nation, however great may be the Imperial as well as local expenditure, for such a result, that the people of Ireland should have their high natural faculties so cultured, as to enable them to go forth into the industrial battles of life with that armour of self-reliance and educated intelligence which will enable them to fight manfully wherever they are placed, and to reap the fruits of conquest. If Irish Members desire the alliance of English and Scotch Members on both sides of the House in the promotion of this great result, they will find zeal for the work equal to their own, and no parsimony in the endeavour to attain it. But surely it is natural when Parliament realizes the terrible deficiencies of education in Ireland, as displayed in the Report of the Commissioners, that it should require the education to be conducted in a national spirit, with no preference for the interests of Churches, though with perfect protection for the rights of conscience, in the single desire that the people should enjoy the advantages of a really sound and useful education, which hitherto they have not received.

MR. MACARTNEY believed that one of the reasons why education had not made more progress in Ireland was the fact of the parents there not being compelled to contribute towards the payment of the schoolmaster. A thing given for nothing was not so highly valued as one that had to be paid for. The present pay of the teachers in Ireland was miserable—not equal to the average wages of an agricultural labourer. The residence of the teacher, too, where he had one, was usually a wretched place. Under those circumstances, it was not to be wondered at that there was not a high quality of education there, and that the best men did not come forward as teachers. He held that where districts refused to contribute voluntarily towards providing for education, a rate should be imposed upon those districts for the desired purpose. If Her Majesty's Government would bring forward a measure requiring the parents

to pay a minimum sum, provided they were able to do so, and enabling those who were not able to get a certificate freeing them from the payment, he believed that the education of the country would be greatly benefited. He also thought that a real Commission should be appointed, presided over by a Minister of Education, to take the place of the present amateur Commission.

CAPTAIN NOLAN said, they appeared quite agreed that the schoolmaster was underpaid in Ireland. The necessities of life were very nearly the same in cost in the Three Kingdoms, and yet, while the remuneration was £103 in England, and £110 in Scotland, it was only £56 in Ireland. There was as much, if not more, of difference with regard to the teacher's residence. With regard to payment by results, he thought the present payment was stimulus enough; for he feared if it were increased, it would in some cases induce parents to decline paying so much in school fees, so that for every shilling paid by results, the parents would probably deduct 6d. from the school fees. He hoped the Government would do their best to utilize all existing means of educating the people, and not alienate the clergy of the different denominations. As to a rate, they ought to hesitate before putting new burdens on the farmers. In England the county rates were paid equally, in the absence of any special contract, by landlord and tenant. In Ireland they were borne solely by the tenant. His proposal was, that the money should come out of the Imperial funds. To that it would perhaps be objected that the Government already contributed more largely to Ireland than to England for educational purposes. He admitted that there was a slight difference; but the contribution for education was the only one that England did for Ireland. The Government paid £20,000,000 for the Army and Navy in England; but only £1,500,000 for a similar purpose in Ireland; and the same rule was followed with regard to other institutions, excepting the Constabulary and education, in the latter of which, the figures were, as near as he could make out, 1s. 6½d. in England per child, and 1s. 10½d. in Ireland. For the Constabulary Ireland was not thankful; but let the Government give more for education and they might perhaps here-

after have to give less for the Constabulary, as the necessity for maintaining a large force would soon disappear. That would make Ireland more thankful.

MR. JOHN MARTIN said, the remark of the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) about Home Rule in connection with the subject was not intelligible, because the Board of Education in Ireland was under the direct control of the Minister of Education in England, and the Board of Education in Ireland was appointed by the English Minister. It was composed, no doubt, of Irish gentlemen, but they were selected to suit the purpose of ruling Ireland by England. The Irish system of education was instituted, as everyone knew, to denationalize the population. The stepping in of the Government between the free professors of education in Ireland and the people accounted for the inability of a very large proportion of the people in some counties to read and write. He remembered that during the Repeal agitation, when a parcel containing a new edition of some of the books issued by the Board of Education was received at a school on his own property, he had the curiosity to see what changes were in the new edition. What the changes were the following alteration would illustrate. There had been in one of the reading books lines of Sir Walter Scott beginning—

“Breathes there a man with soul so dead
Who never to himself hath said
This is my own, my native land?”

Those lines were cut out, and in place of them was a paper of a very different kind indeed—not verse, nor anything of a poetic character, but a paper entitled, “Easy Lessons on Money Matters by Dr. Whately,” who was then and for many years afterwards Archbishop of Dublin and manager of English interests in Ireland. After long opposition by Presbyterian, by Anglican, and by Catholic clergy, the system was established, and the clergy of the various Churches in Ireland had now adopted it. It was therefore national in its extension over the country, and as it was established by the State and accepted by the population, the practical course to be taken was to appoint as teachers such men only as were properly qualified by moral character and by the attainments

Mr. Macartney

requisite for teaching, and to pay them sufficient salaries. As to the principle of results, he would desire to eliminate it altogether, because he thought it was pernicious. He altogether objected to the imposition of new local rates for the support of a system which was only a part of the system of English rule in Ireland. If rates were to be paid for education, then education ought to be exclusively under the control of those who paid the rates. He would certainly vote against the Motion of his hon. and gallant Friend the Member for Longford, and support the Amendment of his hon. Friend the Member for Kildare.

SIR MICHAEL HICKS-BEACH said, that when the hon. and gallant Member for Longford (Mr. O'Reilly) gave Notice of his Motion he (Sir Michael Hicks-Beach) did not anticipate that the debate would travel over such a wide extent. He did not intend to enter upon the general question of National Education in Ireland. The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair), in a very able speech, had expressed his views upon the general question. He (Sir Michael Hicks-Beach) confessed it rather surprised him that, considering the importance which the right hon. Gentleman very justly attached to the Report of the Royal Commission of 1868, it was not until the present year that he thought it necessary to call attention to the subject. No one who looked at that Report fairly could under-estimate the difficulties of the question. The right hon. Gentleman, in the first part of his speech, appeared to be anxious to sweep away the existing system. He objected to the National Board of Education, and to the management of schools by clerical managers. But he (Sir Michael Hicks-Beach) confessed he was glad to hear the comparatively modest requirements with which the right hon. Gentleman concluded. He understood the right hon. Gentleman to say, that if he could be satisfied that local aid was obtained as it ought to be in Ireland for national education—if he could be satisfied that the money granted by that House was properly administered, and adequate results were obtained from it, he would give his support to the present system. Well, what was the actual state of things? We found in existence a

system which had gradually made its way until it had become the national system of education in Ireland, and it would be unwise at that time of day to attempt to abolish or radically change it in order to substitute something entirely new. In his judgment it would be far wiser to amend it with a view to increased efficiency, and it was in this spirit that he should approach the Motion of the hon. and gallant Member for Longford. There were two principal portions into which that Motion might be divided. The first, respecting the establishment of training schools, was not of a strictly financial character; whereas the payment of teachers and providing residences for them were more closely connected with finance. The hon. and gallant Member spoke of the comparatively small number of trained teachers in Ireland as compared with untrained teachers. He (Sir Michael Hicks-Beach) believed the statistics showed there were 3,842 trained teachers as against 6,118 who were untrained. But while admitting the gravity of the evil, he must call attention to certain facts, to which sufficient importance had not been attached. Undoubtedly those who had not undergone any regular training were as few in number as had been stated, but the mere figures hardly conveyed an accurate idea of the qualifications of the teachers employed in the Irish National Schools. There were no fewer than 4,000 paid monitors at the present time in the best ordinary schools, and of these from 350 to 400 rose annually from the monitorial staff to the position of teachers. Moreover, 90 or 100 teachers were furnished every year from the pupil-teachers and monitors in the model schools; and about 300 candidates for the same position came yearly from the more advanced pupils of the National Schools. On the whole, he believed that 70 per cent of the recruits to the National School teachers came from monitorial training of one kind or another, and were examined and classified before appointment as teachers: it would therefore be unfair not to admit that they possessed considerable qualifications for their position. The small number of teachers who had been trained in normal schools was not due to a deficiency of those institutions, for during last year there was sent out from the normal school in Dublin a very much

smaller number of teachers than there was actually accommodation for. That establishment could hold 300 students, but for several years had received no more than 250 annually; and in 1873, only 207 were trained there. The want of trained teachers was mainly due to the circumstance that the system adopted at that school was not approved by the Roman Catholic Prelates. It was, however, part of the system of United Education, whereas all the proposals made to obviate the difficulty suggested the establishment of a new kind of training colleges, of a more or less denominational character; though it was only right to say that the proposals recently made on this subject by the National Education Commissioners were not admitted to be of this nature by those who supported them. The question then was, how far it was possible to combine denominational training colleges with the present system of national education in Ireland, which the right hon. Gentleman the Member for the University of Edinburgh had asserted to be denominational. If the right hon. Gentleman had referred to any of the numerous discussions on the subject, he would have found himself contradicted not only by Episcopalians and Presbyterians, but also by Roman Catholics. The present system was supported by Episcopalians and Presbyterians as undenominational, and they opposed any changes in a denominational direction; while Roman Catholics often objected to it as not sufficiently denominational. The English and Irish systems were essentially different, for Parliament had founded the educational system in Ireland on a united basis, while in England it had merely aided the different religious bodies, and mainly the Church of England, in their voluntary efforts to educate the people; and it was no argument to say that because there were denominational training colleges under one system in this country, they ought to be established under quite another system in Ireland. But there was one suggestion made by the National Board of Education on this subject which was based upon another footing; in fact, it was to a certain extent based upon their original practice. Before the date at which the buildings in Marlborough Street were thoroughly completed it was the practice

to allow the students training together in the normal schools to board and lodge out where they chose, receiving a certain allowance to cover their expenses, and that was a system which the National Board of Education had, by a majority of 14 to 2, recommended for adoption again at the present time. But when he looked at that proposal and asked himself how far it would meet the views of the hon. and gallant Member, he was compelled to say there would be serious doubt on that subject, because in the evidence given before the Royal Commission, he found that Cardinal Cullen, on the part of the Roman Catholics, objected to a similar proposal, because he did not consider it a solution of the question. He was bound to say that he was not able that evening to recommend to the House any proposal for the establishment of fresh training colleges. He might, however, state that if the Roman Catholic Bishops could be persuaded again to adopt the course they followed in former years, and to allow those over whom they had influence to receive training in the normal schools, he believed the real difficulty of producing a sufficient supply of trained teachers would be practically settled. But this subject was intimately connected with the amount of payment which the teachers received, for it was a waste of money and time training teachers at the expense of the State, if the emoluments they could obtain were not sufficient to induce them to remain in the service. It therefore seemed to him that the real solution of the question might be found in making the position of the teachers better and more desirable. That brought him to the financial portion of the Motion before the House. It was admitted by himself and by his right hon. Friend the Secretary for War, when the question was discussed last Session, that the position of the teachers was unsatisfactory, and that it would be the duty of the Government to propose to the House some scheme to improve it. It would shortly be his duty to lay such a scheme before the House. The point of difference between the hon. Member for Kildare and the hon. and gallant Member for Longford seemed mainly to be whether the improvement in the emoluments of the teachers should be made in addition to the class salary, or by way of

Sir Michael Hicks-Beach

additional payment for results. On this he would say that he thought very strong arguments had been adduced by the hon. Member for Kildare (Mr. Meldon) on his side of the question. In spite of all that could be said in favour of payment for results, and the improvement it effected in education, we must not forget that in a country like Ireland, with so scattered a population and such small schools, payment by results would not always meet the difficulties of the case; and if teachers were left to run the risk of an epidemic, wet weather, of hostility from parents or from those who influenced parents, they might, through no fault of their own, be deprived of no small part of the income you wished them to earn. From the statement of the National Board of Education, it appeared that the grant for payment for results which had continued for three years had been received in very different proportions by the first and second class as distinguished from the third class. Very generally it was the case that the teacher of the smaller school would have a smaller salary; and, under those circumstances, it would hardly be a proper settlement of the question if no addition were made to the lower class salaries of the teachers; and therefore he proposed to add a certain percentage to those salaries. Without going into the statements of the right hon. Member for the University of Edinburgh respecting the low standard of education in the Irish schools, he feared that it must be admitted that there was more truth in those statements than they could desire; but matters, especially with regard to the regularity of the attendance of children, were progressively improving, and he had no doubt that, subject to certain alterations in administration, the present system was capable of doing all the good required from it. He believed, however, that there was an unnecessary number of small schools, between 1,100 and 1,200 having an average attendance of less than 30 scholars. He could not help thinking that, by amalgamation or otherwise, this number might be reduced to the extent at least of one-fourth. Teachers also ought to be relieved from the cost of repairing schools or school residences. He thought it was possible, and he was sure it was desirable, that more fees should be exacted from

the parents of children, if only for their own sake—that they should better appreciate the benefits of education. It must not be forgotten, however, that in many parts of Ireland these parents had paid more towards education than similar classes in England, because their richer neighbours, he feared, had sometimes not contributed as much towards the erection or maintenance of schools as the same class of persons in England. The question of pensions was by no means an easy one. He thought the only mode in which they could well be given was on the principle of deferred annuities recommended by the hon. and gallant Member for Longford. The Treasury might, perhaps, contribute a certain proportion of the annual payment required to provide a life annuity, beginning at a certain age; but any such proposals would require a large expenditure on the part of the Treasury, at any rate when the plan first came into operation, and therefore he could only say that a scheme for this purpose had already received careful consideration, and that he was in communication with the Chancellor of the Exchequer upon the possibility of carrying it into effect. Last Session he referred to the question of residences, and the Correspondence which had been laid on the Table showed that it was intended this year to propose a Vote not exceeding £5,000 towards the erection of residences in the case of vested schools. He was not without a sanguine hope that something might be done also in the case of residences for non-vested schools. This object, however, could not be accomplished by a grant for the erection of such residences, though it might possibly be done by an alteration in the Land Improvement and Glebe Loans Act, under which those who were anxious to borrow money for the purpose might borrow it from the Board of Works, the residences being erected subject to the supervision of the Board of Works, and a certain proportion of the annual repayment of the loan being allowed to the borrower by the National Board of Education so long as the residences were *bonâ fide* devoted to the use of school-teachers. As to all the proposals he had sketched out, it should be understood that none of them, excepting the grants towards the erection of residences for vested schools, could be considered as

finally decided on by the Government. In dealing with all of them, the difficult question arose how far the additional expenses—indeed, all the expenses—for Irish education should come upon the Imperial Exchequer. There was very great force in the argument of the right hon. Member for the University of Edinburgh upon the point. It had given him great pleasure that evening to hear it admitted by Irish Representatives that it was right and fair that some local contributions should be levied in Ireland towards the education of the people. Three years ago his noble Friend (the Marquess of Hartington) proposed an increase in the national grant for Irish education, which was then estimated at £104,000 a-year, for the purpose of annual payments for results. That grant had continued for three years, and it had increased in the last year, he was happy to say, because it had been well expended, to £120,000. The Government, however, were now bound, not only by the terms of the letter in which his noble Friend announced this proposal to the National Board of Education, but also by the necessities of the case, to re-consider the whole question. The grant of £120,000 a-year, then, must be looked upon as ending at the close of the present financial year; and, in making fresh arrangements, the Government must deal with the whole question *de novo*. He had said that he thought it necessary to increase in certain proportions the class salaries of the teachers. That object might be attained by devoting half of the £120,000 towards such increase, allowing the other half to remain in the shape of a certain grant for results. And, in addition to this, on condition that, say, £60,000 a-year was locally raised by the levy of a rate which the Guardians of every Union should be authorized to raise, £60,000 to meet that levy would then be granted from the Treasury as a further payment for results. In fact, subject to certain limitations, the Guardians of the Union would be authorized to tax themselves towards the proper payment of the teachers of the National Schools in their Unions; and upon doing so they would receive a proportionate amount from the Treasury in addition to what was already given. That was a proposal which, when put into shape, might com-

mend itself, he hoped, to the House. It seemed to him that it would initiate in Ireland a due provision from local rates for the purpose of national education. It was impossible to adopt the same system in Ireland, which had been laid down in Scotland and England. There were no sufficient materials in Ireland for the formation of school boards, and he believed that if you wished to obtain a local contribution in the shape of a rate, you could only do so upon the basis of the poor rate and through the Board of Guardians. How could we at once, when people had been long taught, as it were, to lean entirely upon the crutches of Imperial grants, turn round and say—"We require a compulsory rate for the purpose of national education?" But by some such proposal as he had sketched out, we might initiate contributions from the localities towards that in which they themselves ought to be most interested. He hoped the hon. and gallant Member for Longford, and also the hon. Member for Kildare, would be content with the discussion, and be satisfied to leave the matter a little longer in the hands of the Government. He had heard with very great gratification much that had fallen from hon. Members from Ireland in this debate. It was clear to him they appreciated the fact, which must be patent to everyone, that whatever might be said of education in Ireland, it was at any rate true that the present system had, from small beginnings, and in spite of great struggles, at length come to this—it educated, at least to a certain extent, nearly 1,000,000 of children in Ireland. Bearing this in mind, he did not think it wise to propose any sweeping change. He would wish rather to deal with it in the way of preservation and reformation, and to restore it, where necessary, in accordance with its main principles, as a system of united secular and separate religious instruction.

MR. ALDERMAN W. M'ARTHUR said, he was glad to hear that teachers would be improved in status and that they would have residences provided for them; and he had no doubt that what had been said on the subject would be received with equal satisfaction in Ireland. Unless both those things were done, it was vain to expect an efficient staff of teachers in Ireland. He regretted that objections should have been taken to Marlborough

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MR. GOLDSMID, in rising to call attention to the obnoxious questions now

put to the ratepayers of the Metropolis under "The Metropolis Valuation Act, 1869," said, that by that Act it was provided that a valuation of the metropolis was to be made every five years, and certain regulations were laid down with respect to it. Forms of questions were to be sent out to every ratepayer, such as were prescribed by the Income Tax and the Acts amending the same. In 1869 a form of a sufficiently inquisitorial character was prepared, but it was nothing in comparison with the form issued this year, which had caused great discontent, especially amongst the commercial community, from whom he had received several communications on the subject. He very much doubted whether the right hon. Gentleman the Chancellor of the Exchequer himself could answer all the 13 questions contained therein, when addressed to him at his own private residence; indeed, if report spoke truly, three Members of Her Majesty's Government had been unable to return satisfactory answers. If, then, the Chancellor of the Exchequer could not himself answer these questions, how could he expect that an ordinary occupier or shopkeeper should be able to do so? One of the questions was—"At what would your house let from year to year in its uninhabited condition?" There were hundreds of houses in the metropolis with regard to which an occupier would be entirely at a loss to answer this question. Lord Dudley was known to have a magnificent house in Park Lane; but who would give any thing for it as an unfurnished house from year to year, without any certainty of occupation beyond that time? Another question was—"If held on lease, give the date of lease or agreement, for what term, and whether granted on any and what premium or other consideration than rent." In many cases the occupier of a house was wholly unable to answer such a question. But if the difficulty of answering these questions was great in the case of the ordinary householder, it was still more perplexing and annoying to shopkeepers, who were required to state the name of the landlord, the length of the lease, and various other matters. Now, under the Act any ratepayer might on the the payment of 1s. inspect the Returns, and ascertain the term of lease of the premises of his rivals in trade. He might then, in

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order, if possible, to damage his rival, obtain from the landlord the reversion of the premises, and thus might destroy his rival's business by compelling him to leave the neighbourhood. In one case, with regard to which he (Mr. Goldsmid) had received information, a tradesman had, in consequence of an attempt of this kind, to pay £4,000 in order to obtain a renewal of his lease, so as not to let his business be ruined. The questions which were put did not, it appeared to them, come under the terms of the Act, and were not necessary to enable the Assessment Committee to estimate the value of the premises. Indeed, as Chairman of an Assessment Committee he must say the valuation of the occupier was about the worst that could be had. He had received information that the vestry of Hackney had had great difficulty in consequence of the form in which the questions were put, and he believed if Her Majesty's Government had given instructions a much simpler form of questions might have been prepared. He therefore hoped the right hon. Gentleman would give directions that the form should be revised, reducing the number of questions, and rendering them less difficult and harrassing to the ratepayers of the metropolis. He begged to ask Mr. Chancellor of the Exchequer, if he would state to the House by whose instructions and for what reason the new form of questions was prepared; by whom it was so prepared; and by whom approved?

MR. FORSYTH said, he, too, had felt strongly that these questions were very difficult to answer, and he should have given Notice to ask for information had not the hon. Member for Rochester (Mr. Goldsmid) done so. The questions were puzzling, unsatisfactory, and perplexing, and were not authorized by the Income Tax Acts. The return was required to be made in the form specified in the Income Tax Act, or in such form as the Commissioners of the Treasury might prescribe. Now, as the questions that had been sent out were not in the form prescribed by the Act, they must be in the form prescribed by the Treasury, and he would be glad to know whether they had been sanctioned by the Treasury? These questions did not enable the occupier to give the only information required by the Treasury; and they were

not only very unsatisfactory, but also extremely puzzling and difficult to answer. Who could say "the amount of land-tax redeemed, and whether by landlord or tenant?" Next, "the amount of sewers-rate, and whether paid by landlord or tenant." "If the property is subject to tithe, state if commuted or otherwise." Who could answer these questions? He confessed that he could not, and a distinguished Member of the House had told him that he could not without consulting his lawyer. In the case of building leases the amount of ground-rent would afford no indication of the value of the house, and yet the leaseholder, not being the owner, could not make his return in that capacity. If gentlemen who had some knowledge of the Law found no small difficulty in answering them, they were surely not questions to be put to the whole of the occupiers in the metropolis.

THE CHANCELLOR OF THE EXCHEQUER, referring to the word "obnoxious" in the Question, doubted whether it was quite in order to put epithets into Questions of that sort. Having received an intimation that a series of questions was to be put to him on the subject, he must frankly own he was afraid it was the series on these forms that he was expected to answer. He was rather pleased to find that they were interrogatories of a very different character, and he was quite ready to give the hon. Member such information as he was able on the subject. These questions were prepared in pursuance of the Act of Parliament of 1869, the object of which was to provide for a common basis of value for the purposes of local government and taxation, and to promote uniformity in the assessment of rateable property in the metropolis. The Act proposed that an Assessment Committee should be appointed, which should make a valuation of all the property in the metropolis, and, in order to make that valuation upon a proper basis, not only for local but for Imperial purposes, it was provided that the Surveyor of Taxes should be consulted, and that the valuation made should be subject to his revision. That was the reason for which it was provided that returns should from time to time be made in order to assist the Assessment Committee to make these valuations, and the Act contained a provision that such

Mr. Goldsmid

valuations should be made once in every five years. [Mr. GOLDSMID : Not a new form of question every five years ?] The returns were to be in such form as the Income Tax Act prescribed, or the Lords of the Treasury directed. When the first form of questions were drafted they were sent out in a different and simpler form from the present one, and, so far as the Treasury and the officers of Inland Revenue were concerned, they were quite satisfied with the form originally prescribed. But between the quinquennial valuations the local authorities were charged with the duty of putting certain questions in order to obtain certain information. The new form was prepared by the Commissioners of Inland Revenue and approved by the Treasury. The Commissioners of Inland Revenue, however, found that in the interval since the last quinquennial valuation, the local authorities had put out forms of questions of their own, embracing other matters than those which had originally been required, and as it was necessary to frame a form of questions which would suit the purposes both of Imperial and local valuation, they endeavoured in framing their new form of questions to meet the wishes of the local authorities. He certainly agreed with his hon. Friends that these questions were puzzling and difficult, and he frankly owned that he could not answer them all himself, and was glad to find that he was not singular in that respect. But at all events if the individual could not answer them, he had simply to say so, and it would be so much the worse for the Assessment Committee, who would consequently have more trouble in making out their Assessment. The much more serious objections were, that to answer some of the questions it would be necessary to state what would be very annoying for persons to disclose. The question as to who was the owner of the property, and when the lease would terminate were those to which the most objection had been raised. With regard to the first, he really thought that a strange delicacy existed in the matter, and that owners generally had somewhat more consideration for persons holding leases of their property; therefore, it was hardly likely, as an ordinary rule, that an occupier would have his house bought over his head at the termination of his lease

without his knowledge. As regarded the period of the termination of the lease, he thought that was immaterial to the officers of Inland Revenue, and, so far as they were concerned, they would take no exception to any return because it did not disclose that fact. At the same time, the length of the lease was an important consideration in determining the value of the property. With regard to the question as to who was the owner of the property, that was a question always asked, and which must always be asked, under the Income Tax Act; and as long as an income tax was maintained, he did not see how that question was to be avoided. With regard to the Schedule generally, it did not follow that tenants were bound to answer questions on which they were not informed; but it did seem to him fair to put the question to the occupier, and to require him to answer it if he could. He did not know that the occupiers need take extraordinary pains to obtain information on points they were not informed on, and he did not think that the questions were really open to the charge of being unnecessarily vexatious. The desire of the Treasury certainly was not unduly to press them, and the officers of Inland Revenue had received instructions not to reject any return which failed to disclose the name of the owner. There was every desire to make the thing as little vexatious as possible. It must be borne in mind, however, that the main object of these questions was to ensure that the rating should be fair, and in order to effect that it was absolutely necessary that certain information should be got in order that one man might not be rated, proportionately, more than another, and the unwillingness to give it arose often from an unreasonable squeamishness.

Mr. RAMSAY said, he was of opinion that such questions as those in the Schedule could not be avoided, unless we were to ignore altogether the claim of the ratepayers to have the rates equally levied on all descriptions of property, according to its true annual value. That was the principle of the Act for the valuation of heritable property of all kinds in Scotland. A difficulty which had been urged in regard to leaseholders whose leases ran it might be for 99 years was obviated in Scotland by the statute which placed leaseholders for more than

of precaution in that respect were taken, they looked forward to the success of the present Expedition. That opinion clearly laid it down that there was no greater risk to be experienced in an Arctic expedition than attended the voyage of H. M. Ship *Challenger*. All subsequent Expeditions to that of Sir John Franklin, during a period of 30 years, had always returned in safety, their death-rate having been less than that of seamen engaged in any other service. They pointed further to the advantages to be derived from the introduction of steam power and improved victualling and navigation, and to the fact that Arctic service was most popular in the Navy. He had already stated that since the return of the Expedition to investigate the fate of Sir John Franklin and his comrades this country had retired from the field of Arctic exploration, but the calamity which had deterred this country had not had a like effect upon other countries. Germany had sent out an Expedition in 1869-70; Sweden one or more Expeditions in 1872; and Austria one in the same year, all of which Expeditions had had more or less success in the investigation of the problem which had long puzzled Arctic explorers. The German Expedition, pursuing its exploration by the East Coast of Greenland, reached a latitude of 77 degrees; Sweden, proceeding from Spitzbergen, reached a latitude of 80 degrees; and Austria, going by way of Nova Zembla, reached a latitude of 82 degrees: the explorers observing, though they did not reach, land at a latitude of 83 degrees. Singular to say, however, notwithstanding those successes of the Expeditions of different countries, no Arctic navigator had reached so high a latitude as that which Parry gained in 1827. He did not quite reach the 83rd degree, but fell very little short of it, and though land had been seen further North than any he actually visited, no European traveller had ever set foot upon so high a latitude as he. The question, then, was, if other nations had not been deterred by the fate of Sir John Franklin and his followers from pursuing those investigations, was it for this country to give up the research. He had mentioned Expeditions from other European countries, but he should add that it was in consequence of the results attending an Expedition sent out by the United States of America that they had been

encouraged to send out the proposed Expedition. The *Polaris* proceeding by the route proposed to be now taken—by Baffin's Bay—reached 82° 16' N. lat., without obstruction. In view of these facts, a consideration of the scientific results to be attained, and the small risks to be run by those who had the conduct and formed part of the Expedition, induced the Government to decide upon sending out another. When that resolution had been arrived at, steps were taken to secure as far as possible the safety and success of the Expedition, and he would like to inform the Committee of their nature. A Committee of most experienced Arctic voyagers was called upon—Admiral Richards, the Hydrographer to the Admiralty, Sir Leopold M'Clintock, well-known as having solved the fate of Sir John Franklin, and Admiral Sherard Osborn. Those officers, with the greatest alacrity, assembled at the bidding of the Admiralty, and gave them the benefit of their experience and advice as to the means which should be adopted as far as possible to ensure a successful result; and in their Report, which would be found in the Papers before the House, most valuable suggestions were made for the guidance of the Expedition. The points put before that Committee were these. What should be the scope of the Expedition, what should be the order for carrying them into effect, what description of ship ought to be employed, and what were likely to be the most suitable winter quarters? With respect to the first point, the Committee decided that the scope and primary object was to attain the highest northern latitude possible—the North Pole, and the limits of navigation were to lie between 20 and 90 degrees of west longitude. The most material point before the Committee was what route should be taken. That had long been a vexed question amongst navigators and persons who had given their attention to the subject; but as was pointed out by the Report of the Hydrographer, experience had rather narrowed the grounds of dispute, because the Expeditions sent out from foreign countries, although they had met with a certain amount of success, and had been able to lay down the boundaries of lands which had not hitherto appeared in any chart, yet had shown that from the different points from which they endeavoured to reach the Pole complete suc-

Mr. Hunt

mischievous complained of would not have occurred had their Bill to enable them to make additional water-tanks and reservoirs not been thrown out by the House of Lords. The measure they had introduced during the present Session was preferable to their former Bill, because it required the intake to be above instead of below the mouth of the river Mole. It had not been proposed to inflict a fine, because the main object was to get the water properly filtered, and steps had been taken to secure that object with the least possible delay. The company had met the complaints made in a very proper spirit, and had shown by their conduct that they wished to do all they could to remedy the evil. He could assure the hon. Baronet that the powers of the Local Government Board had not only been exercised in the matter, but had been found to be effectual.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

NAVY—SUPPLEMENTARY ESTIMATES, 1874-5, AND EXCESS ESTIMATES 1873-4.

THE ARCTIC EXPEDITION.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £98,620 (Supplementary 1874-5) on account of the Arctic Expedition.

Mr. HUNT said, it was his duty to ask the sanction of the Committee to an Estimate that would be laid upon the Table for the purpose of equipping and fitting out the Arctic Expedition which would be sent out in May. The sum asked for was £98,620. The great burden of the expenditure would fall upon the current year; but, as would be seen from a Note appended to the Estimate, a further expense of £16,000 would be likely to be incurred in the course of the next financial year, and in the other years during which the Expedition was away, an annual sum of £13,000 would be required. It was right, he should say, that there was a contingent possibility that the additional sum of £50,000 might be required in case it became necessary or desirable to send out a relief ship through the Expedition not returning as soon as was anticipated. The inception of this Expenditure was

due solely to the Learned Societies of the United Kingdom—the Geographical and the Royal Societies and the British Association for the advancement of Science—which had urged upon the present, as they had upon the late Government the desirability of fitting out such an expedition for the purposes of science. In the Memorandum which they furnished to the Government on the subject, they pointed out the scientific importance of exploring the large area of the Arctic regions, and the number and extent of the discoveries that must result from such an expedition. The Papers on the subject had been laid before the House, and he regretted that in consequence of the delay occasioned by the preparation of a chart which was not yet ready, the documents had not been placed in the hands of hon. Members at an earlier date. The chart would follow in due course. When he spoke of the Learned Societies, he wished it to be understood that they comprehended all the most eminent names in the scientific world in the United Kingdom. The question was, whether the results which it was anticipated would be obtained from sending out this Expedition would be worth the risk that would have to be incurred by those who went out in the Expedition; and no doubt the fate of, he believed, the last scientific expedition that had been sent out under Sir John Franklin had for many years damped the ardour of the people of this country for sending out these Expeditions. He thought, however, they were in a better position now to attempt such explorations than before. No less than 14 Expeditions had been sent out between the years 1848 and 1861—some under the direction of the Government, some by private subscription, but their object was to ascertain the fate of Sir John Franklin, not for the special purpose of scientific discovery, although in the course of their voyages and sledge journeys large additions to scientific knowledge were made. The question then arose, should the fate of Sir John Franklin and his companions stand in the way of another Expedition for scientific purposes. On that subject, the Arctic Exploration Committee of the Geographical Society had expressed the opinion that the want of proper depôts for provisions to cover the escape of the explorers had led to the disaster which had occurred, and that if proper measures

of Siberia. It therefore followed that it had not been the endeavour of the scientific men of Germany and Austria to do that which we were going to do—namely, to discover the veritable Pole itself, whatever that Pole might prove to be. Our Expedition was starting at a time when other nations were prepared to spend money for the same object, and when he put his Question the other night to the Prime Minister, he was only anxious to suggest that, having been made acquainted of late years with the progress in meteorology and magnetic and astronomical science, and that they were advanced chiefly by simultaneous observations, it would be very desirable, for the purpose of bringing about scientific results, that we should have several expeditions organized to make simultaneous observations at different points. Notwithstanding that this Expedition was about to start this year, and the German Expedition was not to start until next year, there was ample time and opportunity for coming to some understanding with regard to that Expedition for at any rate simultaneous observation. He trusted the First Lord would take the subject into his consideration. The necessity of simultaneous observations being made by different countries had been strongly urged upon him by the Commander of the Austrian Polar Expedition, whom he had met at Trieste, and there was a great disposition among scientific men in all countries to recognize the value of these simultaneous observations. The First Lord of the Admiralty had acted wisely in availing himself of the very best advice; and, therefore, while otherwise he should have been disposed to question the fitness of the *Alert*, he would not do so now. He hoped the Vote would be passed without opposition, and that the remarks he had offered would be received in the spirit in which they were made. He had no idea of checking the enthusiasm with which the proposal had been met, for he believed that such Expeditions, publicly organized for scientific objects, reflected credit upon the age.

MR. COLLINS said, he had great experience of very cold climates, and he would suggest to the right hon. Gentleman the First Lord of the Admiralty to send out with the Expedition, at whatever cost, a large quantity of reindeers'

skins to be used as overclothing by the men. He had himself travelled through the North of Finland, and was well provided with a quantity of fur; but after some days he found it useless, and was obliged to give it up in consequence of being very unwell. He then got reindeer skins, and immediately recovered his health perfectly. The dresses should be made so as to cover the head and the hands, and the overcoat should come down the legs. The Expedition should also be supplied with an abundance of sledges and dog harness. A supply of feather pillows, and reindeer skins upon which the men could recline and cover themselves, and of boots and shoes to be worn over others would be found to be very acceptable.

MR. ANDERSON said, that the First Lord of the Admiralty had omitted to tell the House when the Expedition was to sail. [MR. HUNT: In May.] His reason for referring to the date was, that the experience of the Dundee navigators, who were the men best acquainted with the Polar Seas, was that it would be too late for the Expedition to sail in June, as was originally proposed, and that it would be necessary for it to sail in April, in order that it might get well up Smith's Sound before the season got too far advanced. It might be impossible now to send off the Expedition any earlier than was intended; but he thought it right to mention the circumstance, as it was most desirable that the Expedition having been undertaken, should be attended with success. It was highly creditable to the Government that they had undertaken it, for it was high time, when other nations were going so far a-head in Arctic discovery, that we should do something to keep up our old reputation.

MR. YEAMAN said, speaking from 17 or 18 years' connection with Arctic traders and trading, he could corroborate what the hon. Member for Glasgow had said as to Smith's Sound. He had little fear as to the success of the Expedition, and did not think it would be attended with much danger. During the long time he had been connected with Polar trading, he had scarcely ever lost a man. There had certainly been some ships lost; but, thanks to the proximity of the ice, there was hardly ever a man lost. We had great facilities and advantages over what were pos-

sessed by the Expeditions which were sent in search of Sir John Franklin, and there was no doubt that the Expedition now being sent out would, in a couple of seasons, discover whether the Pole was to be reached by way of Smith's Sound or not. He had every confidence in the Government and the First Lord of the Admiralty doing everything in such a manner as would do credit to the country, and there was little doubt but this great maritime nation would be the first to discover whether the Pole could be reached by that route or not. He suggested that with the view of obviating the necessity of either of the steamers having to return for coals, a sailing ship should be sent to Melville Bay with 400 or 500 tons of coal.

MR. GOSCHEN wished to say, on behalf of the late Government, that they wished the Expedition every possible success, and that they should not grudge the present Administration the credit which they would deserve from having organized it and proposed the Vote to the House of Commons. The late Government, while in office, organized the Expedition of the *Challenger* in the cause of science. They thought that was a most important operation. The deep sea exploration was a matter which interested not only the public, but to a far greater extent the scientific world, and they did not hesitate to come to Parliament and ask for the necessary expenditure to carry it out. They thought that while that Expedition was on their hands, there was no great hurry for organizing this Polar Expedition, and they reserved it for another year. However that might be, they trusted that the results of the present Expedition might be as successful as they believe those of the *Challenger* to have been, and that the Government might have reason to congratulate themselves upon it.

MR. A. EGERTON said, he thought that the Government and the Admiralty might fairly congratulate themselves on the reception the project had met with. He could assure the hon. Member for Pembroke (Mr. E. J. Reed) that the Admiralty did not undervalue simultaneous observations, when they could be carried out with other Governments; but it was feared that too much time would be lost in making their arrange-

ments; and, after all, the importance of simultaneous observations was not so great in this Expedition as in that having reference to the Transit of Venus. Besides, the Government would have the advantage of comparing the observations made for them upon scientific matters with those made for other Governments at a future time. The Government would desire to give their results to other Governments and to obtain the results of other Governments. If the hon. Member for Kinsale (Mr. Collins) would be pleased to call at the Admiralty and make suggestions to the Arctic Committee he would be received with courtesy, and his observations would be listened to with attention. He might state that the matter of sledges, and boots, and other things had been carefully considered, and he could assure the House and the public that every care would be taken in regard to the wants of the men; but they would be ready to receive any suggestions. He would just add that the expediency of sending out a ship with a supply of coals had also not been lost sight of, it being contemplated by the Admiralty to send out this year or next a small store ship, with the object to which the hon. Member for Dundee (Mr. Yeaman) had called attention.

Vote agreed to.

(2.) £3,000 (Supplementary 1874-5), Steam Machinery, &c., Breaking-up Ships.

(3.) £9,000 (Supplementary 1874-5), Navy, Miscellaneous Services.

(4.) £240,299 1s. 5d. (Supplementary 1873-4), Excess of Naval Expenditure.

MR. ANDERSON said, it was a very large sum, and he should like an explanation as to some of the details.

MR. SHAW-LEFEVRE said, that the details were all explained in the Appropriation Accounts; but as he must share the responsibility of this Excess, he would explain what had been done in regard to it. It was found that some surpluses which were expected from other Votes were not realized. It was also found that an increase of not less than £33,000 was due to a misunderstanding by the commanding officers of several ships abroad of an Admiralty Circular, with reference to the making up accounts at the end of the financial year; which had resulted in throwing

upon the year 1873-4 what was properly due to the succeeding year. There was also an unexpected claim of £11,000 sent in from the Bombay Government for stores supplied, and another unexpected claim of £3,000 from the War Office. The rest of the Vote was made up of outstanding claims for stores, and through the prices of coal and iron not falling in price as the Department expected. Another cause of the Excess in the expenditure was due to concentration of our ships on the Coasts of Spain and Zanzibar in the years 1873 and 1874, where the officers had to be supplied with stores by contract in lieu of drawing them from our depôts. During the three years that he was Financial Secretary at the Admiralty, he had experienced much anxiety with regard to the high price of coal and other stores, and the excess of the last year it was totally impossible to avoid.

Vote agreed to.

EXCESS ESTIMATES, 1873-4.

CIVIL SERVICE AND REVENUE DEPARTMENTS.

(5.) £50,702 9s. 8d., Excesses on Grants for Civil Services for 1873-4: viz.

Class I.

	£	s.	d.
Royal Palaces	1,665	16	2
Royal Parks and Pleasure Gardens ..	3,423	11	9
County Court Buildings ..	498	15	2
Surveys of the United Kingdom ..	5,627	4	6
British Consulate Houses, Constantinople, &c. ..	2,866	17	5

Class II.

House of Commons Offices ..	102	4	2
Colonial Office ..	901	5	2
Board of Trade ..	810	17	10
Civil Service Commission ..	123	14	6
Registrar of Friendly Societies ..	58	18	8
Exchequer and other Offices in Scotland ..	114	13	11
General Register Office, Ireland ..	777	5	11
Office of Public Works, Ireland ..	463	10	5

Class III.

Land Registry Office ..	2	7	6
Metropolitan Police ..	8	6	7
Convict Establishments in England and the Colonies ..	20,110	16	1
Broadmoor Criminal Lunatic Asylum, England ..	205	5	0
Court of Probate, Ireland ..	1,099	16	9
County Prisons and Reformatories, Ireland ..	414	2	5
Dundrum Criminal Lunatic Asylum, Ireland ..	3	9	2

Mr. Shaw-Lefevre

	Class IV.	£	s.	d.
University of London	32	2	2
National Gallery of Ireland	36	11	4
Queen's University in Ireland	100	10	4

Class V.

Diplomatic Services	6,940	13	10
Tonnage Bounties, &c., and Liberated African Department	1,074	1	0

Class VI.

Miscellaneous Charitable and other Allowances, Ireland	45	11	11
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Class VII.

Temporary Commissions	2,482	3	8
Deep Sea Exploring Expedition	711	16	3

£50,702 9 8

(6.) £146,365 10s. 3d., Excesses on certain Grants for Revenue Departments for 1873-4.

SUPPLEMENTARY ESTIMATES, 1874-5.

CIVIL SERVICE AND REVENUE DEPARTMENTS—ASHANTEE EXPEDITION—POST OFFICE.

(7.) £2,000 (Supplementary 1874-5), Furniture in Public Departments.

(8.) £5,500 (Supplementary 1874-5), Survey of the United Kingdom, &c.

(9.) £750 (Supplementary 1874-5), for the Wellington Monument.

MR. BECKETT-DENISON desired to know what progress the work had made, and when it was likely to be finished?

LORD HENRY LENNOX said, he was happy in being able to give an encouraging account. Mr. Stevens, the sculptor, was recovering his health, and had resumed work with great energy. In May, 1874, the marble work was completed and in the Cathedral. There remained to be completed all the bronze work, if that was of a purely sculptural character. At the present time the effigy of the illustrious Duke and the upper part of the sarcophagus were cast in bronze. One of the side groups was in the hands of the founder, in process of casting. The second group would be ready for casting in three weeks' time, and the lower part of the sarcophagus was also nearly finished. That would be the last of the sculptural works connected with the monument. In conclusion, he wished to bear testimony to the zeal exhibited by Mr. Stevens since the recovery of his health. He would give more detailed explanations on Monday.

Vote agreed to.

(10.) £4,000 (Supplementary 1874-5), for British Embassy Houses, &c., China, Japan, and other places.

MR. ANDERSON asked for an explanation of the Vote?

MR. W. H. SMITH said, the item was intended to enable the Government to purchase a new Legation house at Lisbon.

Vote agreed to.

(11.) £3,000 (1874-5), for additional accommodation at Marlborough House.

(12.) £600 (Supplementary 1874-5), Home Department.

(13.) £1,250 (Supplementary 1874-5), Colonial Office.

(14.) £3,108 (Supplementary 1874-5), Charity Commission.

(15.) £1,100 (Supplementary 1874-5), Exchequer and Audit Department.

(16.) £25,000 (Supplementary 1874-5), Stationery and Printing.

MR. BECKETT-DENISON wished to call the attention of the Committee to the fact that the total charges under this head amounted to something like £500,000 a-year. Those charges were, he believed, susceptible of great reduction; but he would urge that economy would never be enforced in this branch of the public service until the heads of the different Departments personally took the matter of methodizing expenditure in hand and dealt with it.

MR. ANDERSON said, he, too, also thought that something must be done to check this expenditure, the total charge for the year being enormous.

MR. ASSHETON suggested that expense would be saved if the number of Blue Books and Papers now sent to hon. Members as a matter of course—out of which they were unable to read a tenth part—was decreased.

MR. EARP said, he would suggest, as a means of saving money in the Printing and Stationery department, that hon. Members should refrain from moving in the House for the production of Returns, Papers, and Reports, unless they were absolutely necessary.

MR. W. H. SMITH said, he agreed with the suggestion of the hon. Member for Newark, for one great cause of the large expenditure incurred was the printing of so many Returns called for in the House. The item charged for Stationery was certainly a large one, and

it had for some time past been engaging the attention of the Treasury. It was hoped that economy in the matter would be speedily effected by establishing a form of accounts between the different Departments, which would clearly bring home to each the amount expended on account of it for stores and working materials of all kinds.

LORD ESLINGTON concurred in the suggestion of the hon. Member for Newark.

MR. SULLIVAN wished to know whether the Vote included any of the parchments and vellum which had been stolen from the offices in Dublin?

MR. W. H. SMITH said, he would ascertain.

Vote agreed to.

(17.) £962 (Supplementary 1874-5), Register Office General, Scotland.

(18.) £375 (Supplementary 1874-5), Offices of Chief Secretary for Ireland.

(19.) £1,604 (Supplementary 1874-5), Local Government Board, Ireland.

MR. SULLIVAN said, he should be glad if the right hon. Gentleman the Chief Secretary for Ireland would inform him whether this sum included anything for the Local Government Board Poet. A new Department appeared to have been created, with a Government Poet in it. Though he knew that officially that was not necessary, seeing that they had a Poet Laureate, he would first give the House a sample of Government poetry which had been published by this Department—

“There's a skin without and a skin within,
A covering skin and a lining skin;
But the skin within is the skin without,
Doubled inward and turned inside out.”

The rules of prosody were very much violated in those lines, and he did not think they would pass muster in a literary review; but as a sample of Government poetry they were curious, and he wished to ask how much of the Vote was intended for the Government Sanitary Poet in Ireland?

SIR MICHAEL HICKS-BEACH replied that the office of Sanitary Poet to the Local Government Board in Ireland might perhaps be a very useful one, but as far as they had gone they had not yet sanctioned the appointment. No doubt, if they were to do so, they would have plenty of applications. The hon. Mem-

ber would see by the Vote what the items were.

Vote agreed to.

(20.) £150 (Supplementary 1874-5), Public Record Office, Ireland, and Keeper of State Papers, Dublin.

(21.) £830 (Supplementary 1874-5), Office of Public Works, Ireland.

(22.) £540 (Supplementary 1874-5), Register Office General, Ireland.

(23.) £15,887 (1874-5), General Survey and Valuation of Ireland.

MR. SULLIVAN inquired whether the sum included any amount for the new scale of salaries recommended?

SIR MICHAEL HICKS-BEACH said, that the question had better be asked when the Estimates for the year were before the House. These Estimates were on account of the past year.

CAPTAIN NOLAN said, that in his opinion it would not be right to settle this matter on a Supplemental Vote a year after power concerning it had been taken away from the grand juries.

SIR MICHAEL HICKS-BEACH said, that the grand juries had not been interfered with. By the Act of last Session the sums to be paid by the grand juries were settled upon a fixed instead of a varying sum, and they were great gainers.

Vote agreed to.

(24.) £10,000 (Supplementary 1874-5), Law Charges.

SIR WILLIAM FRASER said, he thought it would be satisfactory to the House to know whether in that sum were included any particulars of the cost of the prosecution of the case of the Queen *v.* Castro.

MR. W. H. SMITH said, that a complete Return of the expenses in the case referred to was made last Session. When the whole of the expenses incurred had been paid, the amount would be something under £60,000.

Vote agreed to.

(25.) £1,540 (Supplementary 1874-5), London Bankruptcy Court.

(26.) £210 (Supplementary 1874-5), Miscellaneous Legal Charges, England.

(27.) £957 (Supplementary 1874-5), Court of Bankruptcy, Ireland.

(28.) £365 (Supplementary 1874-5), Registry of Deeds, Ireland.

Sir Michael Hicks-Beach

(29.) £1,547 (Supplementary 1874-5), County Prisons and Reformatories, Ireland.

MR. SULLIVAN objected to the dual system of prison Inspectors in that country, and hoped the attention of the right hon. Gentleman the Chief Secretary for Ireland would be directed to the question.

SIR MICHAEL HICKS-BEACH said, the subject had frequently occupied his attention during the past year; but, so far as his observation had gone, his opinion did not accord with that of the hon. Gentleman.

Vote agreed to.

(30.) £150 (Supplementary 1874-5), Dundrum Criminal Lunatic Asylum, Ireland.

(31.) £750 (Supplementary 1874-5), Miscellaneous Legal Charges, Ireland.

(32.) £296 (Supplementary 1874-5), National Portrait Gallery.

(33.) £1,547 (Supplementary 1874-5), Learned Societies and Scientific Investigation.

(34.) £18,700 (Supplementary 1874-5), Public Education, Ireland.

(35.) £100 (Supplementary 1874-5), National Gallery of Ireland.

(36.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £223, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Queen's University in Ireland."

MR. SULLIVAN said, he would move that the Vote be reduced by £120, the sum granted for medals. Than the Queen's University, he maintained there was no more gigantic educational imposture in Europe, kept up by the sheer force of grants of money from the Imperial Exchequer—while they were exceedingly economical on subjects in which the Irish people were more concerned.

Motion made, and Question, "That the Item of £120, for Medals and Prizes, be omitted from the proposed Vote,"—(*Mr. Sullivan*,)—put, and *negatived*.

Original Question put, and agreed to.

(37.) £2,000 (Supplementary 1874-5), Diplomatic Services.

MR. BECKETT - DENISON asked when the North American Boundary Commission would be at an end?

MR. BOURKE said, it was going on now, and it was impossible to answer the question.

Vote agreed to.

(38.) £3,186 (Supplementary 1874-5), Grants in Aid of Expeditions in certain Colonies.

(39.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £18,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for Tonnage Duties, Bounties on Slaves, and Expenses of the Liberated African Department."

MR. ANDERSON said, he objected to the sum of £12,000 charged as compensation for the destruction of certain dhows by Her Majesty's Ship *Thetis*, and would move the reduction of the Vote by that amount. He believed Captain Ward had been too zealous in the pursuit of prize money, and that innocent persons had suffered, many pearl-fishing dhows having been destroyed. The Treasury Letter said that if the amount had been a smaller one, they would have required him to pay it himself; but as it was a large sum, they let him off with a reprimand.

Motion made, and Question proposed,

"That the Item of £12,000, for Compensation for Destruction of Dhows by Her Majesty's ship '*Thetis*,' be omitted from the proposed Vote."—(*Mr. Anderson.*)

MR. HUNT said, the naval Department had expressed disapproval of the conduct of Captain Ward, and it was not likely to be repeated.

MR. GOURLEY thought a reprimand was not sufficient.

MR. BECKETT-DENISON could not find, after reading the Correspondence very carefully, that Captain Ward had been guilty of more than a great error of judgment.

MR. MONK wished to know what had become of the loot from these 10 dhows which were plundered?

MR. HANBURY said, he thought the solution was that Captain Ward had not sufficient instructions. While in Bombay recently, officers had complained to him several times of the insufficient instructions they had received

from the Admiralty. In that case, it was hardly fair to blame the captain of the *Thetis*.

MR. HUNT said, the occurrence was much to be regretted. There was a good deal of cunning exercised by the Natives in carrying on their illicit trade, and he had no doubt that Captain Ward, in the absence of explicit instructions, and not being acquainted with the coast, had taken too zealous a view of his duty. That, however, would be remedied by more detailed instructions which had been prepared.

MR. ANDERSON said, that under the circumstances, he would pass the matter over this time.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(40.) £2,760 (Supplementary 1874-5), Temporary Commissions.

(41.) £2,830 (Supplementary 1874-5), Miscellaneous Expenses.

SIR WILLIAM FRASER said, that when the Civil Service Estimates came on, he should call attention to the Office of Lord Chamberlain, in regard to his control of the theatres. He thought that it would be much more satisfactory if the theatres were placed under the Home Secretary, who had the administration of the police. The Lord Chamberlain did not possess at present a sufficiently large staff to enable him to enforce his authority in this matter.

Vote agreed to.

(42.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £13,247, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the repayment of certain Miscellaneous Advances to the Civil Contingencies Fund."

SIR CHARLES W. DILKE said, he wished to strike out of the Vote the sum of £500 given to Lieutenant Wood for bringing home the despatches from Coomassie. He did so with the view of asking on what principle officers were selected for such service?

Motion made, and Question proposed,

"That the Item of £500, for a Gratuity to the Honourable Henry J. L. Wood, Lieutenant 11th Hussars, for bringing the Despatches announcing the fall of Coomassie, be omitted from the proposed Vote."—(*Sir Charles Dilke.*)

CAPTAIN NOLAN said, that Colonel Milward, who brought home the despatch in the case of the Abyssinian Expedition, was an officer who had been very useful; but he did not know if there had been any previous service to entitle Lieutenant Wood to the distinction, and suggested whether it was desirable that it should be a mere fancy gift in the hands of the Commander of the Expedition.

MR. F. STANLEY said, that the same precedent had been followed in this as in previous cases, and the practice had been in existence from time immemorial. The Commander of the Expedition selected the officer whom he wished to entrust with the message, and he (Mr. F. Stanley) did not know that there were any circumstances which placed the present on a different footing from previous cases of the kind.

SIR CHARLES W. DILKE said, he was of opinion that there was a distinct difference between that and previous cases. There was a certain appearance of passing over officers of greater service, and it was desirable that there should be some established principle of selection for the post.

MR. HUNT hoped the hon. Baronet would not put the Committee to a division. The gratuity had been recommended by the Commander-in-Chief of the Expedition, and if it was now disallowed, it would be to pass a Vote of Censure on Sir Garnet Wolseley.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(43.) £33,992 (1874-5), Gratuities and Prize Pay to Officers and Men of the Ashantee Expedition.

(44.) £4,859 (1874-5), Mediterranean Extension Telegraph Company.

(45.) £123,620 (Supplementary 1874-5), Post Office Telegraph Service.

(46.) £25,000 (Supplementary 1874-5), Ashantee Expedition.

House *resumed*.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

GENERAL CARRIERS ACT (1830).

NOMINATION OF SELECT COMMITTEE.

MR. JACKSON moved that the Select Committee be composed of the following

19 Members:—Mr. Cavendish Bentinck, Mr. Brocklehurst, Mr. Maurice Brooks, Mr. Bruce, Mr. Campbell-Bannerman, Mr. Freshfield, Mr. Gibson, Mr. Goldney, Mr. Staveley Hill, Mr. Laing, Mr. Leeman, Mr. Sampson Lloyd, Mr. Majendie, Mr. Morley, Mr. Pemberton, Mr. Salt, Sir Edward Watkin, Mr. Watkin Williams, and Mr. Jackson.

MR. BECKETT-DENISON objected to the Committee as nominated; more than half of them were members of the Bar, while many others were manufacturers; in fact, there were only about four independent Members nominated. He thought it would have been better if the choice of Members to serve on the Committee had been left to the Committee of Selection.

MR. JACKSON said, he had had great difficulty in nominating the Committee, and had done his best to make it generally acceptable.

Motion *agreed to*.

METROPOLIS WATER SUPPLY AND FIRE PREVENTION BILL.

On Motion of Colonel BERESFORD, Bill for making more effectual provision for a constant supply of Water, and for the protection of life and property against Fire, in the Metropolis, ordered to be brought in by Colonel BERESFORD, Sir CHARLES RUSSELL, Mr. FORSYTH, and Mr. RITCHIE.

Bill *presented*, and read the first time. [Bill 86.]

House adjourned at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 8th March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Order Confirmation (Brighton)* (32); Pacific Islanders Protection* (33).

Second Reading—Police Magistrates, Metropolis (Salaries) (31); Registry of Deeds Office (Ireland)* (29).

Withdrawn—Supreme Court of Judicature Act (1873) Amendment (29).

THE CLERK OF THE PARLIAMENTS—RESIGNATION OF SIR JOHN GEORGE SHAW LEFEVRE, K.C.B.

THE LORD CHANCELLOR: My Lords, I have to inform your Lordships that I have received from Sir John Shaw

Lefevre, the Clerk of the Parliaments, the following letter :—

"18, Spring Gardens,
6th March 1875.

"My dear Lord Chancellor,

"It has been a matter of great regret to me that owing to the weakness resulting from a severe indisposition I have been prevented from attending in the House of Lords since the opening of the Session :

"This interruption to the performance of my duties, which is likely to continue another month, combined with the consideration of my advancing age, has led me reluctantly to the conviction that my duty to the House of Lords requires me to resign the office of Clerk of the Parliaments, and accordingly, if their Lordships should think it right to acquiesce, I shall take the necessary steps to give formal effect to my resignation :

"In making this announcement I trust that I may be permitted to express the deep regret which I feel at quitting the service of the House of Lords and the consequent cessation of my official intercourse with their Lordships, from whom collectively and individually I have uniformly received, during the twenty-seven years which have elapsed since my appointment, the greatest consideration, confidence, and kindness. The gratitude which this retrospect calls forth will be a lasting sentiment during the remainder of my life :

"I have the honour to be,

"My dear Lord Chancellor,

"With feelings of the highest respect

"to your Lordship personally

"and officially,

"Your Lordship's

"Obedient humble Servant,

JOHN GEORGE SHAW LEFEVRE.

"The Right Honourable,

"The Lord Chancellor,

"&c. &c. &c."

My Lords, I cannot doubt that your Lordships will have heard with very sincere regret that Sir John Lefevre has found it necessary to resign the important office in your Lordships' House which he has held for upwards of a quarter of a century. My Lords, when Sir John Lefevre first sat at the Table of this House he was not a novice in the public service, and I am certain I do not go beyond what I feel your Lordships will endorse when I say that in the performance of his duties in this House he has shown a zeal and an intelligence, and, at the same time, a courtesy and good feeling which have never been surpassed. My Lords, the anxiety of Sir John Lefevre for the order of your Lordships' proceedings has been evinced not merely by the knowledge and mastery of the traditions and precedents of this House which he attained, but by a very valuable and methodical arrangement and

analysis of our Standing Orders which he prepared : and it is a remarkable fact that, in one generation and in one family, two of its most eminent members have devoted, in their respective spheres, their remarkable talents to simplifying and elucidating the order and proceedings of the two Houses of Parliament. My Lords, coming to what has fallen particularly under my own observation, I must express my sense of the ability which Sir John Lefevre has displayed in connection with the judicial business of your Lordships' House ; especially in the settling and drawing up decrees and orders on appeals, often long and complicated, and requiring a very considerable amount of technical knowledge. I must, at the same time, bear testimony to the great services he has rendered as the head of the Committee for conducting the publication of the revised edition of the Statutes. My Lords, I will add nothing more to these remarks save this—that I feel confident that any successor to Sir John Lefevre cannot pursue a better course than to follow his example.

EARL GRANVILLE: My Lords, I hope your Lordships will allow me to say a few words on this resignation in addition to what has fallen from the noble and learned Lord on the Woolsack. In anything I say I will take care that my long personal friendship with Sir John Lefevre shall have no influence with me in the tribute which I desire to pay him in his public character. It so happens, my Lords, that some years ago, when Lord Palmerston recommended the Queen to make Sir John Lefevre a Knight Commander of the Bath, it fell to my lot to draw up a statement for the Queen of what were his public services. I had to represent to Her Majesty that he had served in three Public Offices—at the Colonial Office, the Board of Trade, and the Poor Law Board—and some of those offices, as it happened, were held by him at times of great difficulty, and when business of great importance was being carried on. He had been, I think, on no fewer than 16 Commissions—unpaid Commissions. I need not trouble your Lordships with the names of those Commissions ; but what I remember about them is that they extended over a wide and varied range of social, political, military, and scientific subjects of the

deepest interest. I may add that, when first I became connected with the University of London, I found Sir John Lefevre was at that time Vice Chancellor. He had held the post for a great many years previously, and during that period the Institution had great difficulties to contend with; and I think that the successful position it has assumed is in no small measure due to the part he took in its management. On its work Sir John Lefevre has left his mark. As to his ability in the discharge of his duties in this House, it is not necessary for me to add to the encomium pronounced by the noble and learned Lord on the Woolsack. There are, perhaps, other Members of your Lordships' House who have a greater knowledge than I have myself of his services in connection with the administrative business of this House, though circumstances have afforded me a very ample opportunity of knowing them; but I believe I shall have the concurrence of everyone of your Lordships when I say that he has afforded us immense assistance on all that relates to the conduct of our proceedings. It would be impossible to overrate the assistance he has given to your Lordships, not only as the fulfilment of a duty, but with a readiness and a cordiality which I am sure are appreciated by every Member of your Lordships' House.

Then the said Letter was ordered to lie on the Table; to be entered on the Journals; and to be taken into consideration on *Thursday next*.

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL.—(Nos. 10-29.)

(*The Lord Chancellor.*)

REPORT OF THE AMENDMENTS.

ORDER WITHDRAWN. BILL WITHDRAWN.

THE LORD CHANCELLOR: My Lords, before your Lordships proceed to the Orders of the Day I wish to ask your Lordships to allow me to refer for a few minutes to a Bill which passed through Committee a few days ago and which now stands for Report. The Bill to which I refer is the one to amend the Judicature Act of 1873. As your Lordships are aware, it is a Bill intended to introduce various modifications in matters of detail in the Judicature Act of 1873; and it also contains two car-

dinal provisions — or two provisions which have become most conspicuous in this House — provisions by which are transferred to the Appeal Court established by the Act of 1873 the Scotch Appeals and the Irish Appeals which now come to your Lordships' House. My Lords, considering the course of legislation agreed to by both Houses of Parliament in the Session of 1873, and considering that the Bill of this year, in respect of the matter to which I have referred, is identical with the Bill which I introduced last Session, and which passed your Lordships' House, Her Majesty's Government, in bringing it forward this year, expected — and with good reason expected — that it would not have met any serious opposition in this House. My Lords, in that they have been disappointed. The Government have found — and it has been brought more directly to their attention by Notices of Amendments which have been lately given by Members of your Lordships' House — that from among those who ordinarily are supporters of the Government they must prepare not only not to receive support for this Bill, but to encounter a very general opposition. My Lords, turning to the other side of that House, we should have had no doubt, as we always have had, a loyal support from the Members of the former Cabinet for the measures which they originated: but even on the other side of the House Her Majesty's Government find opinion divided. From declarations which have been made we find that we should have to encounter opposition from the noble and learned Lord who under the late Government was head of the Law in Ireland (Lord O'Hagan), and also from the noble and learned Lord who filled the office of Lord Advocate under the Liberal Government (Lord Moncreiff). My Lords, under these circumstances, the Government have been obliged to admit to themselves — to realize the fact — that it would be impossible to pass the Bill through this House. They have no course to pursue, therefore, but that which I now announce to your Lordships — and I need not say that I deeply regret to announce it — namely, to withdraw the Bill.

LORD SELBORNE: My Lords, after hearing what my noble and learned Friend has stated with respect to the

Earl Granville

state of opinion among the ordinary supporters of the Government, and what he has also said respecting what he believes to be the state of opinion on this side of the House, it is not for me to express an opinion as to the necessity of the course which my noble and learned Friend has announced:—but, assuming that course to be necessary for him, I think it right to say that I have heard it with very great regret. That regret does not—at least I hope I may say so—arise from any personal feeling of my own in regard to the proposal thus abandoned; but arises from a feeling that the manner in which this question has been dealt with affords grave ground for future anxiety respecting your Lordships' House, and anxiety in a still greater degree with respect to all future attempts to improve the administration of the law in this country. My Lords, there have been circumstances connected with this matter to which it is painful to allude, but to which it is necessary to allude after the announcement we have just heard. The circumstances under which this Bill has been abandoned are not a little extraordinary. The legislation to which this Bill was to give effect was legislation not hastily passed through this House. It was preceded—as on a former occasion I had an opportunity of showing—by a series of inquiries and tentative measures for improving the Appellate Jurisdiction of your Lordships' House; all of those suggested measures having proved failures. Well, my Lords, the Act of 1873 passed through this and the other House of Parliament not without discussion—not without opposition—not without divisions. Last year your Lordships adhered to what you had done in the previous year; notwithstanding the pressure of some, who then assumed to represent feeling in Scotland and in Ireland, you gave your sanction to a Bill which would have transferred to the Court of Ultimate Appeal established for England appeals coming from Scotland and from Ireland. Your Lordships deliberately passed the measure of last year—not without debate, not without discussion, not without divisions,—in which all the arguments against the transfer of the Appellate Jurisdiction of this House were elaborately brought forward and fully heard. It was said, that the transfer had never been recommended by any Committee

or Commission, and that it had been voted by the two Houses of Parliament without full consideration: but, my Lords, those arguments were disposed of in 1873, and were met again last year, when your Lordships again affirmed and gave further effect to the Act of 1873. I say then, my Lords, considering that this legislation was adopted only two years ago under the circumstances which I have stated, and considering that it has never yet been tried or in actual operation, to intercept it now in the manner now announced to us, without any warning or anything else to prepare Parliament and the country for such a proceeding, does seem to me not a little extraordinary. And why is this done? I read in the papers that there has been organized what is called “a Committee,” the object of which body is to change your Lordships' own legislation, and to bring back a state of things in connection with your Lordships' House which your Lordships yourselves thought it right to do away with;—this outside committee insists on your Lordships retaining powers and duties—powers which you gave up two years ago, because you felt that you had not sufficient means of discharging the duties annexed to them. If such an outside organization is to be successful on a question relating to the powers and privileges of your Lordships' House, to what lengths may not such a mode of interference be carried in other matters? I confess, my Lords, I view with astonishment the means by which this result has been brought about. But there is still more to be said: other things have been done, even more extraordinary than what I have been referring to. As the proceedings of the other House of Parliament are communicated to us by Papers sent up to your Lordships' House, I believe I shall not be out of Order in referring to what appears on the Notice Paper of the House of Commons. From that record, my Lords, it would appear that while this Bill, which we now learn is to be abandoned, was yet before your Lordships' House—after it had passed through Committee, and while it was waiting for the next stage, that of Report, which had been postponed—before, therefore, it was possible for the Bill to be sent down for the consideration of the other House of Parliament, or even to be debated on, the

points which had been reserved for discussion in this House upon the Report, a right hon. Gentleman a Member of that House, who might have been supposed to be exceedingly well acquainted with the usages of Parliament (Mr. Spencer Walpole), gives Notice of a Resolution having for its object to obtain the opinion of that House on a most important feature in the Bill still before your Lordships' House. I hope that this is the only instance in our Parliamentary history of such a proceeding as that. I am sure there cannot have been, directly or indirectly, any understanding in this case between that right hon. Gentleman and any Member of the Government. Two years ago, when the Judicature Bill was sent down to the other House, objections were taken here by the noble Lord now on the Woolsack to certain changes which the House of Commons had proposed to make in the Bill, and the making of which it was urged would be in some degree an interference on the part of that other House with the privileges of this House. Neither my noble Friend behind me (Earl Granville) nor myself thought that those proposals went the length of an intended invasion of the Privileges of this House; but when I now see a Bill actually pending in your Lordships' House and which Bill has passed a second reading and gone through Committee—when I see, in the interval during which the further stages of that Bill in your Lordships' House stand postponed, an opportunity taken of inviting the House of Commons to dictate to your Lordships as to the course to be adopted by you in the next stage of that measure, and that on a question affecting peculiarly the powers and duties of your Lordships' House, it appears to me that the precedent is one which may involve consequences going even far beyond the grave consequences which must more immediately result from this proceeding.

THE DUKE OF RICHMOND: My Lords, I think I shall exercise a wise discretion if I decline to follow the noble and learned Lord (Lord Selborne) in that part of his observations which had reference to the conduct of the other House of Parliament in the course it has thought proper to pursue.

LORD SELBORNE: The other House has done nothing in this matter.

Lord Selborne

I allude to a Notice given by the right hon. Gentleman (Mr. Walpole.)

THE DUKE OF RICHMOND: I understand the noble and learned Lord to advance this argument—that it is not usual that a Resolution should be moved in the other House respecting a Bill which has not yet left this House. Now, I do not think that to discuss the Privileges of the other House could lead to any useful result on this occasion; but on the matter before your Lordships I will just add a little to what has been said by my noble and learned Friend on the Woolsack. My Lords, I hold that it is impossible for a Government to force through a measure of this kind contrary to the wishes and feelings of this House. The noble and learned Lord (Lord Selborne) says that matters are not different now from what they were in 1873:—but as regards the proposal for the transfer of the Appellate Jurisdiction there is this remarkable difference:—In 1873 the noble and learned Lord the late Lord Chancellor of Ireland (Lord O'Hagan), who voted in favour of the Judicature Bill, must be presumed to have been in favour of that portion of it. But if so, he has thought fit to change his views; for he is now one of the most zealous advocates for the retention of an Appellate Jurisdiction by this House. I know that this Session we have not had the benefit of hearing him, but last Session we heard him. Then one of the most eminent legal authorities in Scotland (Lord Moncreiff), who held the office of Lord Advocate under the former Government in 1873—[LORD SELBORNE: No.] Well, if the noble and learned Lord had ceased to be Lord Advocate before that time, of course he is not bound by what was done by the Government of that day; but certainly he is now among the most energetic opponents of the Bill. No one can regret more than I do the course the Government has felt obliged to adopt in respect of the Bill; but seeing the opposition that there is to the Bill, they have arrived at the conclusion that it would be useless to attempt to force it through an unwilling House.

EARL GREY: My Lords, I quite concur with the noble Duke that no Government can force a measure of this kind against the feelings of this House; but I do say that, looking at the past history of the Bill, looking at the deliberate assent it received from this House,

and at its great importance, such a measure having been introduced by the Government ought not to be disposed of by secret communications and without the House having the opportunity of considering the reasons which might be urged in favour of such a proceeding. If the proper Parliamentary course had been taken—if my noble Friend (Lord Redesdale) who has given Notice of an Amendment which would have again raised the question of the transfer of the Appellate Jurisdiction had followed up that Notice—the House would have known what was to be said for and against my noble Friend's proposal; and no doubt the noble and learned Lord on the Woolsack would have been prepared to defend, with his usual power, the proposition contained in the Bill. If after that the measure had been defeated on a division, there would not have been a word to be said against the conduct of Her Majesty's Government. I, for one, should have regretted the loss of the Bill, but I should not have said a word against the Government; but I say it is not fair to this House, and it is not fair to the country, that a measure of this kind should be abandoned on private communications and without a public discussion. That a Bill of this importance should be got rid of in this manner is not, in my opinion, creditable to your Lordships' House, fair to the country, or calculated to do honour to Her Majesty's Government.

THE EARL OF DERBY: My Lords, I am anxious that there should be no mistake as to the position which the Government occupy in this matter. We came to the decision announced by my noble and learned Friend on the Woolsack with feelings of the deepest disappointment. I say for myself distinctly—and I know I may say for others—that under no circumstances would we have yielded if we had not in our own mind felt that we were yielding to a pressure of imperative necessity. When I say imperative necessity, what I mean is this—that, in the actual state of feeling prevailing on both sides of the House, I am firmly convinced that if a division were taken on this turning point of the Bill—whether you should part with the Appellate Jurisdiction or not, and that if we were in favour of parting with the power, we should not be able to carry the Bill. I say, and not

for myself only, that I deeply regret the result. Having made up our minds in 1873 to part with the Appellate Jurisdiction of this House, I think it unwise now to retract the concession we made and to endeavour to retain it. My opinion on that point is unaltered; but I do not believe anything would be gained in the interest of good and sound legislation on this question hereafter if, instead of abandoning a position which is in our judgment untenable, we endeavoured to force this Bill on the House and failed to pass it, thereby adding to the difficulties of a question which is already sufficiently complicated.

EARL GRANVILLE: My Lords, the noble Duke (the Duke of Richmond) said he thought he should exercise a wise discretion in not answering that part of the speech of my noble and learned Friend as to proceedings in the other House of Parliament. The noble Duke not only did not answer it, but he misapprehended it. The complaint was not made against the other House of Parliament, but as to proceedings proposed to be taken by an individual Member. It was, perhaps, discreet of the noble Duke not to try to answer the unanswerable statement of my noble and learned Friend. I fully believe in the regret expressed by the noble and learned Lord on the Woolsack and the noble Earl who has just addressed your Lordships; but I did not understand the noble Duke to express any regret.

THE DUKE OF RICHMOND: I certainly did express my deep regret.

EARL GRANVILLE: I, of course, apologize—I did not hear my noble Friend. But, passing from that, I must say that as regards the necessity for the course taken by the Government your Lordships have received nothing but assertion. Nothing has been stated to show the imperative necessity of abandoning the Bill. That necessity has been asserted, but no proof of it has been offered. The noble Duke said that the late Lord Chancellor for Ireland, who was a party to the Judicature Act of 1873, opposed this Bill last year, and he also spoke of Lord Moncreiff's opposition; but those facts were known last year, and in the face of those facts your Lordships passed the Bill, and the only reason given by the Government for it not having passed the House of Commons was that another important mea-

sure stood in the way. Let the Bill be discussed in open light; let us have the opinion of the House on it, and do not let it be withdrawn in this manner. As to the arguments against the latter course, I shall not add one word to what has been said by my noble and learned Friend. I entirely agree with him and with my noble Friend (Earl Grey) as to the gravity of such a proceeding. I would ask the noble and learned Lord on the Woolsack whether we are to have any further statement this year; whether the Government intend to propose any amendments of the Act now on the Statute Book; or whether that measure, which does transfer the English appeals from this House, is, so far as the Government are concerned, to come in force next July?

THE LORD CHANCELLOR: What I desire to state is that the present Bill will be withdrawn. Whether some legislation will not be necessary in respect of the Act of 1873 is a matter which will require consideration. I shall announce the intention of the Government on that matter at the earliest possible moment.

LORD WAVENEY said, he did sincerely regret the withdrawal of the Bill, and he could assure the House that the Lord Justice Clerk and other opponents of the transfer of the Appellate Jurisdiction of their Lordships' House were quite prepared to discuss the question.

Order for receiving the Report of Amendments on the first Thursday after the recess at Easter *discharged*, and Bill (by leave of the House) *withdrawn*.

NAVY—SYSTEM OF TRAINING BOYS.

OBSERVATIONS.

THE EARL OF LAUDERDALE, in rising to call attention to the present system of training boys for the Navy, and to urge upon Her Majesty's Ministers the desirability of having more sea-going training vessels, said, from the merchant service of the country, enormous as it was, they could get but very few men fit for the naval service. There were 240,000 seamen in the merchant service, yet there was great difficulty in getting men from that service to enter the Navy. The best men would not enter; and though there were plenty of men who would be ready to enter the service, those were the men the Navy would not have. The great mass of

them were below the class of men that we wanted. The pay in the merchant service was generally higher during their active service than that of the Navy; but the pay of the Navy was in the long run better, because the men got pensions. Another reason why serviceable men did not enter the Navy from the merchant service was that they did not like the restraint of the service or the necessary discipline. Another objection to merchant seamen as men to man the Navy was that they would not be of any use in fighting until they were trained to the great guns and small arms. They might be trained, but they did not like it. Formerly the merchant service was of great value for manning the Navy. At that time every merchant shipowner was bound to take apprentices, who served five or seven years, and then the Navy got trained seamen. Merchant ships did not take apprentices now. Then, merchant ships were always at sea as long as they could get any cargo; but ships of the Navy were not constantly at sea. At one time they had compulsory power to draw men from the merchant service for the Navy, but at present they had not that power. The system at present in use for manning the Navy was to take boys from 15 to 16½ years old. These boys were drafted into training ships, and by an agreement signed by their parents they were bound for 10 years after the age of 18. Those boys cost the country a considerable sum of money—as much, he believed, as £100 each—they underwent training in every duty that could be expected from them—and when under the superintendence of Captain Wilson, did that officer the greatest credit. After the first 12 months' training the boys were fit to do any duty that could be required of sailors. But they were not sent to sea—they were kept in harbour, where they acquired bad habits, and learnt nothing more—they were not sea-boys, nor sea-men—it was out of the question to make a seaman out of a boy that had never been on blue water. In 1873 a Vote was taken for 2,615 boys—but of these 261 deserted, and there were now between 1,000 and 1,500 waiting to be drafted to sea. It was obvious that since we could no longer depend upon the merchant service for manning the Navy, we must train more boys, and the Government should ap-

Earl Granville

point more training ships. The boys, too, should be trained by active service at sea, and for that purpose he thought the Government should appoint especial sea-going vessels—two frigates, he thought, might be most usefully appropriated to that special service. The question was a very serious one, and encouragement should be given to merchant shipowners to take boys, and by paying them (the owners) some agreed upon sum, a good class of men might be got for the Navy. The Government should take very great care that this country could boast of better trained seamen than those of any other maritime Power. In a great naval war they should endeavour to have the best class of seamen. He trusted, in conclusion, that Her Majesty's Government would deem his suggestions deserving of consideration.

THE EARL OF MALMESBURY said, that any observations with respect to our Navy which fell from one who bore the honoured name of Maitland would meet with the best attention of the House. He entirely concurred with the noble Earl in the desire that the boys in our naval service should be trained to the highest possible degree of perfection. He would explain what the Government proposed to do. As things at present stood, there were five training-ships at different ports where those boys were trained for a period of six months. They were then sent on board tenders for a certain number of days, not generally exceeding six weeks; because if a longer time were allowed, the tenders could not supply the number of boys required for the sea service. These tenders were serviceable for the purpose only for six months of the year—from April to October—for it was not deemed safe to send them to sea in the winter months manned principally by boys. The number of boys so trained at one time was 490; but inasmuch as there was a new batch every six weeks, instruction was given to 2,839, every boy being in training for at least 36 days. The number of boys which had been entered for the last five years was, he might add, 14,195, or an average of 2,839 a-year. After the boys attained the age of 18 years they were sent to sea in sea-going ships; but as the ships could not take all the boys that were ready, many of them contracted bad habits by hanging about the ports, or deserted; so that the

country, after spending a considerable sum of money on their education, lost their services. The attention of the Admiralty had, however, been directed to that state of things, and they proposed to add one cruiser to the five brigs now employed, and to send the first-class boys to sea during the six winter months. He hoped that the noble Lord would be satisfied with these arrangements.

LORD ELPHINSTONE was understood to express his approval of the course proposed on the part of the Government. He could confirm, from his own experience, the statement of the noble Earl, that very few men entered the Navy from the merchant service.

SPAIN—RECOGNITION OF THE GOVERNMENT OF MARSHAL SERRANO AND KING ALFONSO.—QUESTION.

EARL GRANVILLE: My Lords, in rising to ask the noble Earl opposite whether he has any objection to lay upon the Table the Papers connected with the recognition of the Government in Spain under Marshal Serrano, and that of King Alfonso, I wish to say that I shall not press for their production if any such objection exists. If not, I think it desirable that the country should be informed, and that it should also be known abroad, on what principles Her Majesty's Government have acted, and the reasons, if there are any, for taking any exceptional course. After the abdication of the last King of Spain, the several Governments of Europe and the late Government at home were anxious to find an opportunity of recognizing in that country a Government which was either legally or constitutionally established, or which, at all events, seemed to be generally accepted by the people. There was no Government which fulfilled these conditions when we left office, and we did not think, therefore, the time had come when we could recognize any; the same course being wisely followed, in my opinion, by Her Majesty's present advisers. There was a paragraph in the Queen's Speech at the end of last Session, which indicated their reasons for not recognizing the Government of Marshal Serrano; but in the autumn that Government was recognized by Her Majesty's Ministers;—and I may in

passing, perhaps, refer to what was said by the present Prime Minister when a Government of which I was a Member recognized that which was set up in France under General Cavaignac. The right hon. Gentleman said,—“The Government recognized the Government of General Cavaignac, and immediately they did so, it fell.” Now, that appears to me to be a remark which may be equally applicable to the Government of Marshal Serrano. But I think, nevertheless, Her Majesty’s Government took a wise course. Since that time the Government have recognized the Government of King Alfonso, who, although he has received no legal or constitutional sanction on the part of the people of Spain, appears to have been accepted by the Army and I believe in Spain generally, as the person most likely to bring about a favourable solution of the difficulties of that country. Although no doubt any nation has a right to recognize the Government of another, yet it is not our practice—and the remark applies to both Parties in the State—to give that recognition except, as I said before, in those cases in which a Government is legally or constitutionally established, or meets with general acceptance from the people; though the recognition of the Government of one country by those of other States is to some extent a solution of the difficulty. I may also observe that the recognition of that of King Alfonso by Her Majesty’s Government was a little later than that by other Governments of Europe, and I think that the public should be made aware of the facts, and be enabled to judge whether there were any sufficient causes in this particular case. My object, then, in asking for these Papers is that the public should be informed on the matter. Before I sit down I should like to make a remark on a subject with respect to which, I may say, I have no personal knowledge—I allude to some violent attacks which are said to have been made on Mr. Layard, the Minister of this country in Spain, in some of the Spanish journals. With regard to Mr. Layard, I can say from my own knowledge while I held the Seals of the Foreign Office that it was impossible for a Minister to have acted more completely according to the instructions he had received or to have kept his own Government at home more fully acquainted

with the state of affairs in the country to which he was accredited than Mr. Layard did; and, I may add that I believe no person could more honestly desire the welfare of Spain than he did. I have the satisfaction of feeling sure that the noble Earl opposite will be able to confirm what I could not help saying with respect to Mr. Layard.

LORD STANLEY OF ALDERLEY asked whether, in the event of any of the Papers asked for by the noble Earl (Earl Granville) being laid upon the Table, the Secretary of State would include such despatches as might show whether the unusual course of giving advice to a Sovereign when presenting credentials, reported to have been taken by Mr. Layard, had been authorized by the Secretary of State or not.

THE EARL OF DERBY: I have not the slightest difficulty in answering the Question put to me by my noble Friend (Earl Granville). In the matter to which my noble Friend has referred, as in all other transactions in which Mr. Layard and I have been jointly concerned, the action and language of Mr. Layard have had the entire approval of Her Majesty’s Government. It is perfectly true, as the noble Earl intimated, that various attacks—some of them I believe of an extremely virulent and personal kind—have been made in certain of the newspapers of Madrid and circulated among some portion of society in Madrid against the representative of this country in that capital. I believe that those personal attacks have not emanated from any important or influential section of society. But in Spain, as elsewhere, there is a violent Ultramontane section, to which the representative of a Protestant and constitutional State is naturally objectionable. I do not know the details of these attacks; but Mr. Layard has very properly treated them with the contempt which they deserve. With regard to what the noble Earl said as to the practice of this country in the matter of recognition of Foreign Governments, Her Majesty’s Government have not departed from the usual manner of proceeding, and I do not understand that he objects to the course which has been taken by Her Majesty’s present Government in recognizing the Government of Marshal Serrano. We delayed a little in the first instance because, as your Lordships will remember, the Government of Marshal

Earl Granville

Serrano was one which did not rest on any popular basis, but was created by a military *pronunciamiento*, and it was natural that we should wait until we saw that it was a Government in a position—I will not say to be permanent, for it is very difficult to say what Government will be permanent in Spain as Spain now is—but in a position in which it could hold its own, and in which it should be recognized *de facto* by the great majority of the people. We thought the Government of Marshal Serrano fulfilled that condition. It was undoubtedly recognized *de facto* over nearly the whole of Spain with the exception of the Provinces in which the Carlist War was then and still is going on. The fact that war was going on was given as a reason—and I think it was a very fair reason—why it was impossible to place the Government of Marshal Serrano on a basis of legality by the convocation of any Parliamentary Assembly. It was said then, with perfect truth, that an Assembly which represented only a part of the country would not fulfil the necessary conditions of a national Parliament; while to summon representatives from the Provinces which at the time were occupied by a hostile force, was a course which it was impossible for any Government to adopt. We therefore waited for a while before recognizing the Government of Marshal Serrano, and when we judged the time had arrived we instructed our Representative in Spain to recognize it. We had been preceded in this recognition by other Governments, and one motive with them was to give the Government of Marshal Serrano a certain degree of moral support against the Carlist party. The initiative was not taken by us, but by the Government of Germany. If a different course of action had been followed by the leading Governments of Europe on that subject many inconvenient complications might have arisen. I need not refer to them more particularly. We found that the French Government was willing in that matter to take the same course as the Government of Germany; and with the single exception of the Government of Russia, there was no European Government that was not ready to recognize the Government of Marshal Serrano. We, therefore, thought it would have been a step that was very unusual, and one for which it would

have been very difficult to assign adequate reasons, if we had declined to do that which, with one exception, every other great European State had done. So much for that transaction. On the first night of the Session the noble Earl (Earl Granville) expressed his surprise at not finding some mention of that transaction in the Speech from the Throne. My sole reason for not advising the insertion of a paragraph on that subject was that the Government of Marshal Serrano having collapsed in a manner which anywhere but in Spain would have caused considerable surprise, and with a degree of suddenness that no one anticipated, the question of its recognition six or seven months before was one that had lost all practical interest and importance. And as we had acted in the case of Marshal Serrano's Government, so also we have acted in the case of that of King Alfonso. We found the Government of King Alfonso to be accepted by the country, as that of Marshal Serrano had been, over all other parts of Spain except those which the Carlists occupy. We were in no particular or precipitate haste to give a formal sanction to that Government; but we satisfied ourselves that it was *de facto* established, and we believe that it has at least as good a chance of permanence as any Government that might take its place. Where revolutions are so frequent as they are in Spain, I do not think it would be a desirable thing for it to be supposed that by recognizing a *de facto* Government in Spain, we commit ourselves to any expression of opinion upon its merits, or to anticipations as to the future. We recognized the Government of King Alfonso as we recognized the Government of Marshal Serrano, because it appeared to us to be that which, as a fact, the Spanish people acknowledged and obeyed. As to the Papers to which the noble Earl referred, I do not know that they will throw any more light on the subject than I have endeavoured to give in these few remarks; but there is no reason why they should not be produced, with, of course, the usual care to avoid anything that may compromise other persons or other Governments, and I shall be very happy to produce them.

**POLICE MAGISTRATES—METROPOLIS
(SALARIES) BILL. (No. 31.)**

(*The Lord Steward.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, explained that its object was to do an act of justice to certain meritorious public servants. The salaries which were considered sufficient when the metropolitan police courts were established in 1839 were now inadequate—they were below those now paid to the County Court Judges, notwithstanding the graver nature of the duties they were called upon to perform. By the 2 & 3 Vict. c. 79, by which the metropolitan police districts were established, it was provided that salaries not exceeding £1,200 a-year should be paid to each magistrate; though by a subsequent Act the salary of the chief magistrate was raised to £1,500. Since 1839 the population of the metropolis had vastly increased, and the duties of these gentlemen had become proportionately heavy. The expenses of living had also largely increased. It would be very bad policy to pay inadequately a body of gentlemen to whom were entrusted such weighty responsibilities—or to place their service at a less value than those of the County Court Judges, who might be said to occupy an analogous position. The Bill therefore proposed that the salaries of the chief magistrate should be in future £1,800 a-year, and those of the junior magistrates £1,500. It would be unwise parsimony to continue to pay them inadequately, and it was therefore now proposed to raise their salaries from £1,200 to £1,500, giving the chief magistrate at Bow Street £1,800 a-year.

Bill read 2^a accordingly and committed to a Committee of the Whole House To-morrow.

**ELEMENTARY EDUCATION PROVISIONAL
ORDER CONFIRMATION (BRIGHTON)**

BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board of Brighton to put in force "The Lands Clauses Consolidation Act, 1845;" and the Acts amending the same—Was presented by The LORD PRESIDENT; read 1^a. (No. 32.)

PACIFIC ISLANDERS PROTECTION BILL [H.L.]

A Bill to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intitled "An Act for the prevention and punishment of criminal outrages upon natives of the Islands in the Pacific Ocean"—Was presented by The Earl of CARNARVON; read 1^a. (No. 33.)

House adjourned at a quarter before
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 8th March, 1875.

MINUTES.]—NEW MEMBERS SWORN—Jacob Henry Tillet, esquire, for Norwich; Charles Tyringham Praed, esquire, for St. Ives.
SUPPLY—considered in Committee—ARMY ESTIMATES—Resolutions [March 5] reported.
PUBLIC BILLS — First Reading — Elementary Education Provisional Orders Confirmation (Caister, &c.) * [88].
Second Reading—Local Government Board (Ireland) Provisional Orders Confirmation * [81]; International Copyright * [56].

**BANKRUPTCY LAW (IRELAND).
QUESTION.**

MR. CHARLES LEWIS asked Mr. Solicitor General for Ireland, Whether the attention of the Government has been called to the unsatisfactory state of the Law of Bankruptcy in Ireland, and if any measure for the amendment of such Law may be expected to be introduced by the Government during the present Session?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET): The only communication, Sir, that the Government has received calling attention to the Law of Bankruptcy as at present administered in Ireland is one from the Northern Law Club, forwarded to us since my hon. Friend placed his Question on the Paper, and advising that clauses should be introduced into the Judicature (Ireland) Bill to facilitate the transaction of local Bankruptcy business at Belfast. I can assure my hon. Friend that those suggestions, together with any which he himself may make, will meet with a very careful consideration. It is not, however, the intention of the Government during the present Session to introduce a measure dealing separately with the Irish Bankruptcy Laws.

**POOR LAW—REMOVAL OF A LUNATIC
PAUPER.—QUESTION.**

DR. LUSH asked the President of the Local Government Board, Whether his official notice has been directed to the circumstances attending the removal of Nathaniel Worthington, an insane soldier, from Devonport Military Hospital to Westminster Union Workhouse on the 6th of January last; and, whether any Correspondence upon the subject has passed between the Westminster Union Board of Guardians and the Local Government Board; and, if so, whether he has any objection to lay it before the House?

MR. SCLATER-BOOTH, in reply, said, that his attention had been called to the circumstances related in the Question of the hon. Member, which were now being inquired into by the War Office. He was not able at present to lay the Papers on the Table of the House. The Correspondence asked for by the hon. Member would not convey much information in the absence of the further documents which he hoped would shortly be forthcoming.

**ARMY—RECEIVERS OF REGIMENTAL
NECESSARIES.—QUESTION.**

MR. NAGHTEN asked the Secretary of State for War, If he has taken into consideration the defective state of the Law with regard to the punishment of the receivers of regimental necessities from soldiers, with a view to its amendment?

MR. GATHORNE HARDY, in reply, said, the law relating to receivers of stolen property was the same whether the property stolen consisted of regimental necessities or other articles. He was not aware that the general law on the subject required amendment; but as difficulty no doubt arose from the fact that soldiers had power legally to dispose of certain things which formed part of their equipment, the matter was under the consideration of the authorities at the War Office, and he trusted some improvement would be effected.

**DOMINION OF CANADA—
EMIGRATION OF PAUPER CHILDREN.
QUESTION.**

MR. ARTHUR PEEL asked the President of the Local Government

Board, Whether, having regard to the recent Report of Mr. Doyle, Local Government Inspector, on the Emigration of Pauper Children to Canada, he proposes to take steps, in concert with the Government of the Dominion, to regulate such emigration; and, whether there is a prospect that the necessary precautions will be taken before the ensuing emigration season?

MR. SCLATER-BOOTH, in reply, said, that he hoped before this, he should have been able to inform his hon. Friend that steps were being proposed by the Government of the Dominion of Canada with a view to the regulation of this system of emigration; but Mr. Doyle's Report had not been very long sent over to Canada, and although communications had been opened, they were not very far advanced; whether the arrangements between the Home and the Dominion Governments would be completed in time to allow of the necessary precautions being taken before the ensuing emigration season he could not at present say; but the number of pauper children sent as it were under Government sanction bore but a small proportion to the total number sent out by Miss Rye and other ladies.

**IRISH REPRODUCTIVE LOAN FUND.
QUESTION.**

MR. O'KEEFFE asked the Chief Secretary for Ireland, Whether the county of Waterford, which possesses a sea coast of about forty miles, including several fishing stations, will be entitled to any portion of the Irish Reproductive Loan Fund, by way of loan, or otherwise, in order to enable the fishermen along that coast to develop their industry?

SIR MICHAEL HICKS-BEACH, in reply, said, that the county of Waterford was not one of the counties originally included in the list of those entitled to the benefit of the Irish Reproductive Loan Fund, and the Act of last Session made no addition to the counties so entitled. He had communicated with a society established in Ireland for the bettering of the condition of poor fishermen by granting them loans, and had suggested that in future they should confine their loans to counties similarly circumstanced to Waterford, as not being provided for under the Act.

IRISH FISHERIES INSPECTORS' REPORT, 1874.—QUESTION.

MR. O'CLERY asked the Chief Secretary for Ireland, Why the Report of the Inspectors for Irish Fisheries for the year 1874, which, according to the Act 5 and 6 Vic. c. 106, s. 112, should be presented to Parliament within twenty-one days from the commencement of the present Session, has not as yet been issued?

SIR MICHAEL HICKS-BEACH, in reply, said, that at the time of the passing of the Act directing that Reports should be furnished at a particular date, there were no Boards of Conservancy in Ireland and no statistics to be collected. Since then Boards had been established and much valuable statistical information was annually collected, but it would not be possible to include it in the Inspectors' Reports, if those Reports were presented to Parliament within the time fixed by the Act. In the event of its being necessary to amend the Fishery Laws, he should propose that a later date should be fixed by law for the presentation of those Reports.

CRIMINAL LAW—COUNTESS OF DUDLEY'S JEWELS.—QUESTION.

MR. CHARLES LEWIS asked the Secretary of State for the Home Department, Whether his attention has been particularly called to the fact that on the 15th, 16th, and 21st days of December last an advertisement appeared in "The Standard," offering £1,000 reward for the restoration of Lady Dudley's jewel case, having the following concluding paragraph:—

"All communications made on the subject will be considered as strictly confidential, the sole object being the recovery of the missing property."

And, further, that on the same days an advertisement appeared in "The Times," inviting any person into whose hands the jewel case might have fallen to communicate direct with Lord Dudley; whether Lord Dudley is a magistrate and chairman of Quarter Sessions of the county of Worcester; whether it is consistent with the duty of one holding that position to take such a course and to offer to receive satisfaction for a felony committed; and, whether under these

circumstances, it is intended by Her Majesty's Government to suffer such a proceeding to pass unnoticed?

MR. ASSHETON CROSS; I am sure, Sir, the hon. and learned Member will not think I was intentionally guilty of an act of discourtesy to him in the way in which I answered his Question the other night. I believe Lord Dudley is a magistrate and Chairman of Quarter Sessions, and I believe the jewels in question have not been found. I also believe, as I stated the other night, that the legality of the particular advertisements referred to by the hon. and learned Member is very shortly to be brought before the Law Courts. Therefore, I hope the hon. and learned Member will pardon me for saying, that I still entertain the opinion I expressed on the former occasion, that, under the circumstances, it would not be right for me simply as Secretary of State to attempt to give any interpretation of the law on the question to this House, when that law is to be brought in question in a Court of Justice, or to apply that law to a state of facts of which I know really nothing, and have not the means of knowing.

METROPOLIS—FOOTWAY, ST. JAMES' PARK.—QUESTION.

SIR CHARLES RUSSELL asked the First Commissioner of Works, If his attention has been called to the condition of the footway between Buckingham Gate and The Mall; and, whether it cannot be rendered more cleanly for the use of foot passengers?

LORD GEORGE HAMILTON, in the absence of the First Commissioner of Works, said that the attention of the First Commissioner had been repeatedly called to the state of the portion of the Mall in question, and among others by the hon. Member for East Surrey. He felt it would be very difficult to acquiesce in the suggestion of the hon. Member for Westminster, unless some general plan could be devised for laying down asphalt between Buckingham Gate and Marlborough House. The matter was now under consideration, and as soon as a decision was arrived at, his noble Friend would communicate it to the House.

INDIA—LUCKNOW AND KIRWEE BOOTY—RETURN.—QUESTION

MR. RYDER asked the Under Secretary of State for India, When the Return of Moveable Property which came into the possession of the State in consequence of the military successes at Lucknow and Kirwee in the last Indian war, which was moved for in the Sessions of 1873 and 1874, will be presented to Parliament, and what is the cause of the delay?

LORD GEORGE HAMILTON: Sir, the Return alluded to by my hon. Friend was received at the India Office last autumn. It did not contain all the information asked for by the House. The attention of the Indian Government has been directed to this fact, and as soon as we receive all the information necessary to complete the Return it shall be laid upon the Table of the House.

THE NEW FOREST SHAKERS—ARREST OF MISS WOOD.—QUESTION.

MR. DILLWYN asked the Secretary of State for the Home Department, Whether his attention has been called to the case of the recent arrest in the New Forest of Miss Wood, a person alleged to be a lunatic; and, if so, whether such arrest was made on the ground that she is dangerous to herself or others; and whether such arrest is legal and justifiable?

MR. ASSHETON CROSS: Sir, my attention was called to this arrest. I immediately put myself in communication with the Lunacy Commissioners. I ascertained that the certificate which had been given did not warrant a detention in a lunatic asylum, and that it might have been amended within a period of 14 days under the statute. I further communicated with the Lunacy Commissioners, and directed that an inquiry should be made, in order that Miss Wood should be released, if they found no necessity for her detention. I am happy to say that this afternoon I have received a note saying that she has been discharged.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ADMINISTRATION OF JUSTICE— (WALES.)

MOTION FOR A SELECT COMMITTEE.

MR. MORGAN LLOYD, in moving for the appointment of a Select Committee to inquire into the administration of justice in those portions of the Principality of Wales where the Welsh language prevailed, and to consider the expediency of appointing official interpreters to attend the Courts there, said the Motion of which he had given Notice was felt to be one of much importance in the Principality. He was bound to say that the percentage of wrong verdicts in Wales was not greater than it was in England; and as regarded perverse verdicts, he did not think Welsh jurymen were more perverse than English ones. But unless some change took place in the present mode of administering justice in Wales, it was absolutely impossible that a failure of justice should not sometimes take place in the Principality. For instance, this might occur, a jury might be composed thus: one third of them understood the English language, another third understood it imperfectly, and the remainder did not understand it at all. Part of the evidence was given in Welsh and part in English. The former was translated by some person who happened to be in Court, not for the sake of the jury, but for the convenience of the Judge and counsel. The evidence given in English was not translated, because the Judge and counsel understood it, unless, indeed, some jurymen should happen to have the courage to speak out, and say he did not understand it. The counsel addressed the jury in English, and the Judge summed up in the same language, and yet the jury were asked to return a proper verdict according to the evidence, which they could not do, because a considerable portion of them did not understand the language in which the counsel and Judge had commented upon the evidence. The consequence was, that in many a clearly-proved case they preferred giving the prisoner the benefit of the doubt. At Quarter Sessions, in the County Courts, and before magistrates the same difficulty arose, and sometimes policemen had to be resorted to to interpret evidence. In the County Courts, it frequently happened that the parties were unable to state their cases in English,

and were obliged to employ an attorney to conduct the most trifling suits, and even if they dispensed with professional assistance, they would still have to employ an interpreter, at an expense, it might be, greater than the amount they sought to recover. Under these circumstances, he submitted that it was not too much to ask the Government to appoint official interpreters, and pay them for the performance of their duties, not only in the Superior but in the Inferior Courts. The appointment and maintenance of fit persons to administer justice had always been treated as one of the duties of the Government. It was also the duty of the Government to make the administration of justice as effective as possible. In the Principality that could only be done by the appointment of competent interpreters. To interpret well required not only a thorough knowledge of both languages, but also skill and experience, and that could only be secured by the selection of those best qualified for the duties, and paying them an adequate remuneration for their services. In India and the colonies interpreters were appointed, and he did not see why Wales should be treated in a different manner. Was it because the people were so quiet and never raised a voice of complaint? Was it because they could govern Wales without a single soldier? However right or wrong it might be to maintain the Welsh language, if the Welsh people did not know English it was not their fault. They were very anxious to learn it; but the fact was that until almost recently, the Government had made no attempt to teach them the language. The prevalence of the Welsh language was a fact that could not be ignored, and whatever the opinions of Her Majesty's Government might be as to the advantages or disadvantages of its continuance, it was a fact that could not be lost sight of if they were really desirous of improving the administration of justice in that portion of the Empire. He thought his Motion commended itself to the attention of the Government, and he trusted they would not object to it. The hon. and learned Gentleman concluded by moving the Amendment.

SIR EARDLEY WILMOT, thinking that the claim put forward by the hon. and learned Member was a most just one, cordially seconded the Motion.

Mr. Morgan Lloyd

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the administration of justice in those portions of the Principality of Wales where the Welsh language prevails, and to consider the expediency of appointing official interpreters to attend the Courts there,"—(*Mr. Morgan Lloyd*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. OSBORNE MORGAN, in supporting the Motion, hoped his hon. and learned Friend would be more successful than he himself had been in his efforts to remedy the evil complained of. It was a mistake to suppose that in dealing with the subject, they would be dealing with a transitory state of things which would disappear in a generation or two. There was a popular belief that the Welsh language was dying out, but that was not well founded. At any rate, like Charles II., it was dying extremely hard. The number of persons speaking Welsh in the Principality was larger he believed now than it was a generation ago, if not larger relatively than the people who spoke English. The truth was, that at school the Welsh children learnt English as a foreign language, and preferred when they went home to return to their native tongue. He could corroborate every word his hon. and learned Friend had said as to the result of this state of things, both in the Imperial and the local Courts. When they found the Judges and the counsel speaking one language, and the witnesses another, it was impossible that justice could be properly administered, and as a consequence, miscarriages of justice frequently occurred; indeed, he believed such miscarriages were more than were heard of; but the worst of the present system was, that it tended to lower the estimation in which the administration of justice was held. Last year he proposed that the County Court Judges in Wales should always be persons acquainted with the Welsh language. That would, so far as the local Courts at least were concerned, have been a great improvement, and he regretted his proposal was not acted upon. Although he did not believe much in Select Committees, yet, as the appointment of such a Committee would lead to the whole subject being con-

sidered, he trusted that the Home Secretary would accede to the Motion.

MR. ASSHETON CROSS said, he must differ somewhat from the hon. Member who had brought forward this subject. He must remind the House of a Rule, which used to be enforced by means of a Sessional Order, that, on going into Committee of Supply, they should only talk about subjects relating to the branch of Supply. He did not complain of the course which had been taken, but thought the old rule might now be usefully mentioned. As to the Motion, the question had in various shapes been mooted previously with respect to the Motion immediately before the House—namely, the appointment of a Select Committee. Considering the vast number of subjects which had to be referred to Select Committees of the House of Commons, it was necessary to take seriously into consideration the convenience of Members who were called upon to serve upon such Committees. It was impossible to grant Committees upon every subject hon. Members wished, for the work of the House was getting greater and greater every year, and if these Committees were to go on multiplying it would be impossible that the work could be overtaken. With respect to the subject of the Motion, he could not help thinking that it had been presented in the strongest colours in which it was possible to do it; but if the hon. Member had wished to make out a case for the appointment of a Committee it might have been expected that he would have endeavoured to do so, not by stating certain cases which might occur, but by referring to cases of hardship which had actually happened. Last year, upon the Motion of the hon. and learned Member who had just sat down (Mr. Osborne Morgan), a suggestion was made that the Judges in Wales should be conferred with, as to whether it was wise or not to incur the expense of appointing official interpreters, not only at Assizes, Quarter Sessions, and County Courts, but in all inferior tribunals. In consequence of what took place then he (the Home Secretary) communicated with the County Court Judges, and there was only one of them who gave the slightest notion of such a thing being desirable, all the others being strongly against it. One said that he did not think that additional interpreters were needed, and that

their appointment would cause quite a useless expense, for the Registrars and their clerks generally spoke Welsh fluently; while another stated that there was no difficulty whatever in obtaining a good interpreter when one was required, adding that in his opinion, to appoint paid interpreters would be a mere waste of money, which might be better expended in another way. Therefore, he (the Home Secretary) did not think it desirable that the proposed Committee should be appointed. If the hon. Member would, in the course of the Session, or afterwards, call his attention to any real cases of hardship in Wales in connection with this matter, he should give it his best consideration and communicate with the Judges in the districts where such cases occurred, and, if any steps should be deemed necessary, communicate with the Lord Chancellor. Meantime, until much stronger grounds were laid before the House, he did not think that that was a matter for the appointment of a Committee, and he trusted the hon. and learned Member would not press the Motion.

MR. MORGAN LLOYD said, under the circumstances, he wished to withdraw the Motion, and would take an early opportunity of conferring with the right hon. Gentleman on the subject.

Amendment, by leave, *withdrawn*.

ARMY—REDUCTION OF THE LAND FORCES.—RESOLUTION.

SIR WILFRID LAWSON, in rising to move—

"That, in the opinion of this House, the assurances of friendship from all Foreign Powers, mentioned in Her Majesty's Speech from the Throne, warrant a reduction in the land forces of the British Army,"

said, that whatever exception might have been taken to the previous Motion, that was one which was at least germane to the business the House was about to be called upon to discuss. Nevertheless, he felt that he ought to make some apology for bringing it forward. Any one ought to apologize to the House who ventured in these days to talk politics, and he was aware that the question of retrenchment and economy was not a question that was particularly popular in the House of Commons. He did not mean to bring any charge against the House with respect to that, because

he believed it truly represented public opinion, for economy was an unpopular virtue in any private individual, and it appeared to be equally so in any body corporate. There was nothing in the country which people seemed to like so much as military display. But, whether unpopular or not, there was no place in the world, so far as he knew, where both sides of the question could be so fairly heard as in the British House of Commons. He believed that some hon. Members who substantially agreed with him would not be disposed to support his Motion, on the ground that the whole responsibility in such a matter ought to be placed upon the Government. Now, he could not admit the entire force of this argument, believing that a responsibility also rested upon him, as a Member of the House of Commons, to express his opinion. In that belief, he last year moved the reduction of the Vote by 10,000 men. As he was going away after the division, the Secretary for War, who had opposed the Motion, saying he did not see why the Force should be reduced by any particular number, said to him (Sir Wilfrid Lawson)—“Why 10,000? Why did you not move to take 10 tons off the *Devastation*?” Well, there was some point in the question, and he felt, in fact, that he had no particular reason for wishing to reduce the Army by 10,000 rather than by 20,000 men; and, as he could give no rational reason for the reduction of any particular number, he determined to alter the form of his Motion. No doubt, he should now be told that he did not propose any definite reduction, but merely submitted an abstract Resolution. Next year, then, he should revert to the 10,000, and in the following year to the abstract Resolution, and so he should go on till he got some satisfaction. Meanwhile, he hoped it would be understood that he was not finding any fault with the management of the Army. He was not competent to do so, on account of being insufficiently acquainted with the subject. He could not go into any details as to the respective merits of long or short service, neither could he decide whether Cavalry or Artillery were the most useful, or Volunteers or Yeomanry Cavalry the most useless, branch of the service. All he wanted was, to discuss the policy which, in the opinion of the Government, rendered these large sums

in the Estimates and this large number of men necessary. In 1792, in Mr. Pitt's time, we were content with a force of 18,000 men at home, but now we had an Army of 129,000. What reason was there that we should now have a larger Army on foot in the United Kingdom than we had any time since 1810? Why, when we received assurances of friendship from all nations, was it necessary for the Government to come down and ask for power to increase our Army by 287 men, and our expenditure by £192,000? There was some proof that those assurances were not idle, vague, empty compliments. The Prime Minister said no later than July last, that—

“There never was a period when our friendship, and our real friendship, was sought with more constancy and urgency by the leading Powers and Empires of Europe and America.”

Why, if that were the case, did we go on increasing our Army? He had asked that question now for two or three years, and had got no answer. If he should not get an answer to-night from the Secretary for War, who was so frank, so fair, and so free in his bearing towards the House, he should despair of ever getting one at all. What was the reason? Was it in order to repel invasion that we increased our Army? He was not going to deny that invasion was possible. Nothing was impossible; but it was so improbable as to come very near the impossible, and one must be prepared to incur a certain amount of risk. It was well said of Sir Robert Peel that he had no foreign policy except peace and goodwill towards all nations; and that great statesman had said—“I believe in time of peace we must, by retrenchment, consent to incur some risk.” But where was the risk? Of whom were we afraid? Would the Government say which nation it was that was not included in “all nations?” Was it France? When he came into this House first, we used to have alarming speeches made as to what France was going to do. But surely France was busy enough now looking after her own affairs. A story would illustrate the state of France. A gentleman hired a valet, and gave him strict instructions what he was to do. He was to call him in the morning to tell him what o'clock it was, of what kind was the weather, and what form of Government he was living under. Well, that being so, was it of Prussia we were

Sir Wilfrid Lawson.

afraid? Why, Prussia was employing her whole time in watching France. Besides, as showing the state of feeling with respect to the military system there, hon. Gentlemen perhaps had not heard what the Consuls at the different ports were telling us—namely, that there was a wholesale emigration from Prussia, owing to the disgust of the people at the grievous burden of the conscription, and the warlike preparations which beset them on every side. Besides, were we not connected by Royal marriages with Prussia? But, then, there was Russia. Yes, but we had married her also last year. Russia, indeed, invade us! We had been fools enough to invade Russia, but we might rely upon it, Russia would not be such a fool as to invade us. Then there was Spain. Were we afraid of her? In that wretched country even Kings struck work—and the present King was in such a wretched position, that when he took a trip in a railway train, he had to back into a tunnel to avoid the shots of his subjects. No, the fact was there were only two enemies from which the people of this country had any cause to fear invasion—the one was the Pope, the other the Colorado beetle. As for the first, he might be left in the hands of the late Prime Minister; as for the second, there was no doubt that the sound Conservative Government which we now had would prevent that noxious Republican insect from Americanizing our institutions. But suppose there were any other enemy than the two he had named. Hon. Gentlemen talked as though we had no Fleet. He believed we had a most powerful Fleet, and he would tell the House why. He remembered what occurred in the beginning of last Session. The right hon. Gentleman who manages the Fleet, not having got quite accustomed to his position, came down one night and alarmed the House most terribly. He talked about paper ships and a phantom Fleet. But in a short time the House saw it was entirely a mistake, and no one believed that our Fleet was a phantom, any more than that the right hon. Gentleman himself was a phantom. In fact, he had heard it stated over and over again by competent authority, that our Fleet was perfectly able to meet the combined navies of the world, and he believed it. Well, then, what was the use of all our great military armaments?

Suppose the combined nations of the world were to come on and beat this Fleet of ours, believed to be invincible? Where were we, then, with all Europe against us? Our 129,000 men against their mighty armies would be little better than 129,000 broomsticks. No, our Army was far too small for aggression, and too large for self-defence. He hoped the right hon. Gentleman would give an answer to the question, what we wanted all these men for? and would not talk vaguely, as his Predecessor used to do, about the great military Monarchies, saying that so long as they were arming, we were obliged to put a good face on it, and arm too. Why, that was his case; that we ought not to be the fools the great military Monarchies were. If we followed their example, we should be acting according to the old proverb, that "One fool makes many." He was informed that at that moment there were 12,000,000 of men under arms in Europe. [An hon. MEMBER: No, no!] He might be wrong; but he had seen it so stated. He would not take up the time of the House in trying to delineate the material and moral evils of such a state of things, the waste of time, of wealth, of happiness, which it involved. If these things were going on in the nations of Europe, there was all the more reason for showing that in that great assembly of dangerous lunatics, there was one sane nation at least. His point was, that all this arming could not go for nothing. The existence of these large armies was the very cause of war.

"The sight of means to do ill deeds
Makes ill deeds done."

It would be the story over again of the old African Chief, who said he was obliged to go to war, because he had got a barrel of gunpowder, which would spoil by keeping; and the copying of these wretched people by this country was, if he might be allowed to say so, the most "snobbish" course any nation could follow. It was the old fable of the frog, which tried to make himself as big as a bull, and burst in the operation. He was interested the first night of the Session in hearing the hon. Gentleman who moved the Address (Mr. Stanhope) condemn what he called "a policy of selfishness and isolation." But there was nothing selfish in minding our own business, and there was nothing to be condemned by the name of isolation in

looking after our own affairs, and leaving other people to look after theirs. The words which he had quoted from the Prime Minister would show that "the policy of selfishness and isolation" was the true policy; and he had quoted them to show that we were more respected in Europe than ever we were before—far more than we were a few years ago, when Lord Russell was always writing threatening letters, and Lord Palmerston making "Rule Britannia" speeches. It would be pleasant if the Government could see its way to some diminution of this military expenditure, so that they might be better able to fight—as he was sure they were anxious to do—the enemies permanently encamped among us—the disease, and pauperism, and crime of the country. They had broached certain measures with that object; it required time, money, and care to carry them out, and would it not be well to devote more time, more money, and more care to those ends by getting rid of some of this expenditure? Then what benefit might be done to the "harassed interests" which were so often coming to the Government to complain? The Government had had time to attend to none of them but the Army. They had redressed some of the grievances of the Army; but others were coming with grievances which they could not redress. When General Peel sat in that House, he used to estimate by a rough-and-ready calculation that every man in the Army cost £100. The cost now was a great deal more, owing to the rise in prices, and if we cut off 10,000 or 20,000 men from our Army what a large sum the Ministry would have in hand! The Chancellor of the Exchequer was annoyed ever and anon by gentlemen coming to get rid of the income tax. His hon. Friend the Member for Chelsea (Mr. Gordon) was going some night to detail the misery of people with whom he (Sir Wilfrid Lawson) sympathized to a certain extent—the brewers. The hon. Gentleman was going to ask the House to take off their licence duty. No doubt they would have the hon. Members for Derby (Mr. Bass) and for Bury St. Edmunds (Mr. Greene) by-and-by telling the House that if they did not get relief, they would end their days in the workhouse. Another question very dear to the agricultural mind was the repeal of the malt tax; its ad-

Sir Wilfrid Lawson

vocates, too, would be sent empty away. At present it only had a following in the House of about 17; but that would no doubt be increased ten or twenty-fold, whenever a Liberal Government should again come into power. Then there was the question of Local Taxation. He spoke feelingly on that subject, for he was himself a distressed country Gentleman. He had heard the question of Local Taxation talked about for years and years; it was the dream of country gentlemen by night, and their talk both day and night—they longed for the time when rates would fall, and rents would rise; but nothing could be done for these poor country gentlemen. Already he saw the effect of "hope deferred" upon their visages. They looked so sad and sat so silent, except when on the great question of "Turnpikes" they gave forth an inarticulate moan. The fact was, so long as they had such an enormous and extravagant expenditure as £24,000,000 on the Army and Navy it would be impossible to give relief to any of these interests. He made his appeal to the present Government, and in doing so, wished the Nestor of the Tory party—the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) who lent life and interest to every debate in which he took part—was in the House, because the right hon. Gentleman had voted with him before on one of these Motions as a protest against this great expenditure being permanent. He (Sir Wilfrid Lawson) hoped the House would not think he was pressing the Motion on Christian grounds. He did not put his Motion on the ground that war was wrong. He knew that opinion was held by the early Christians; but he was not addressing an assembly of early Christians, but of advanced Liberals. They had improved on Christianity since those early days, and went by the Articles of Religion to which they all—from the hon. and learned Member for Oxford (Sir William Harcourt) downwards—owed "unconditional allegiance." The 37th Article declared that "It is lawful for Christian men at the commandment of the magistrate to wear weapons and to serve in the wars"—thus by one delicious sentence correcting the Sermon on the Mount and revising the New Testament. Now-a-days we sang *Te Deum* for the slaughter we had committed, with

a warmth of devotion which was measured by the numbers we had slain. The hon. Member for Pembroke (Mr. E. J. Reed) had explained to them that a new kind of religious service was prescribed for the Navy, for when a ship was launched, a prayer was offered that no evil might befall her, but that she might do all the mischief that was possible. No wonder when the Shah was here he wrote in his diary words something like the following—"This is a wonderful people. I see hospitals and asylums and every institution to relieve suffering humanity, and at the same time they devote their whole energy and power to provide for the slaughter and destruction of their fellow creatures." Such was the language of this Pagan Monarch, who, no doubt, derived his notions of Christianity from some unorthodox missionary who told him our duty was to love one another. He simply asked the House to consider the question as a matter of business, and see whether the advantages to be gained were not too little for the money expended in obtaining them. So far as he was concerned, he was of opinion that both sides were equally to blame with reference to this matter. The Opposition were called Liberals, and the reason, no doubt, why they were called so, was because they were liberal in expenditure whenever they were in office. His great hope lay in the fact that in the Conservative Cabinet he saw Lord Derby, whose presence there seemed to prove that statesmanship and common sense could co-exist. Lord Derby had asked in one of his speeches—"What was the Army for?" That was the question which statesmen and politicians had to settle before they organized and reorganized it, and voted for its payment. Lord Derby, though not fortunate enough to be in office at the time of the Arbitration with America, was the first statesman who initiated that policy; he knew its benefits and the probable advantage it would be in the future. The Prime Minister, also, when in opposition, had denounced our "bloated armaments." He (Sir Wilfrid Lawson) was quite sure the Prime Minister agreed with him in every word he had uttered, if only he would say so. He unfortunately did not belong to the Tory party, but he could trust the Leaders of that party in foreign politics as well as any other set of men

in the country. He believed those statesmen were able to settle our disputes by "the still small voice" of reason rather than by an appeal to brute force, which, after all, was nothing but the argument of the bully and the braggart—the barbarian and the coward. He appealed to the House to support his Motion as a sort of Vote of Confidence in Her Majesty's Government. They had a great opportunity before them. They had been called to office by the voice of the country expressed at the last General Election. They had passed through a long night of disheartening opposition, but they were now supreme in the House and in the country. Why should they throw away that great opportunity, spending the Session in bringing in Bills, of which the best that could be said was, that some people thought they might do some good, and nobody thought that they could do much harm? He called upon them to do something which would make them be remembered in history—for, as Bentham said—"Whatever nation shall get the start of another in making a proposal for reducing its armed force will crown itself with everlasting honour." Let the House encourage the Government to take that truly noble policy—a policy which he was convinced would not only lighten the burdens of the country, but promote peace and tranquillity, and ultimately confer blessings on the whole world. He begged to move the Resolution which he had placed on the Paper.

MR. PEASE, in seconding the Motion, said that the remarks he had to make in reference to the present Estimates were equally applicable to those introduced by Lord Cardwell. They were now asked for £536,000 more than last year for the united services, and an increase of £1,173,000 on the year 1873-4, so that they were going on increasing, instead of diminishing their expenses, at a time when wages, iron, and other materials were falling. Since he had been in the House—a period of ten years—they had spent no less than £270,000,000 in the defence of the country, and they had had no war during the whole time. Under those circumstances why were they going to keep 400,000 men within the United Kingdom? What had they to fear? Not America, because the American Navy had gone to nothing, and they had only an army of 25,000 men dis-

perated throughout all the States of the Union. In fact, so scattered was it, that he was assured by a friend who was well acquainted with the condition of affairs in that country, that it would take six weeks to get together 10,000 men in any part of the Union. Had they any reason to fear the three European countries, who by reason of their wealth and armaments were alone formidable—France, Russia, and Germany? He thought not, when their respective conditions were considered. For instance, France scarcely knew from morning to night under what form of Government she would be living, and had adopted a Conservative Republic merely to avoid Napoleonism, and its consequences. Besides, for all aggressive purposes, she was crippled for some time to come; and had increased her debt from £245,000,000 to £1,100,000,000. With respect to Russia, they had done away with the only source of ill-feeling in that quarter, by giving up the points they had gained at so much expense with reference to the Black Sea, and whatever might be her sentiments, she could never think of invading us; while as to Germany she would hesitate before plunging into war with any country, knowing, as she did, that France was hanging on her flank ready to make an attempt to snatch back Alsace and Lorraine. We might be perfectly certain that as long as Lorraine and Alsace were German, we had no reason to fear an invasion from Germany. These things being borne in mind, and it being also remembered that they had the most powerful fleet in the world, it was idle to think that either of the three nations mentioned would ever think of invading this country. Therefore there was really no reason why we should keep up these great armaments. Moreover, we had a foreign policy continued through a succession of Ministers of remarkable talent, from both political parties, and this policy which had been energetically adopted by Lord Clarendon, Lord Granville, and Lord Derby, was that of non-intervention in the affairs of other countries, but of holding our own, and maintaining our honour; and this could best be done by conciliatory measures, and working in harmony with other nations. Further, it should be borne in mind they had a large enough field in which to spend

their money, instead of wasting it upon standing armies. There were such questions as Artizans Dwellings, Pollution of Rivers, Local Taxation, Education, and the Civil Service, all requiring the expenditure of large sums of money, and upon them ought the energies of the Government to be most properly directed. Counties were groaning under their burdens of taxation, but until the scandal of spending so much money upon the Army was abated, he, for one, did not see how they were to be relieved. But apart altogether from such considerations as these, enormous evils were created by the mere maintenance unemployed of large bodies of troops in a country. The fact was, that by keeping up a large standing Army they were withdrawing a large number of men from industrious employment, and were maintaining them at the expense of those who were industrious; they were also engendering a spirit of war amongst the people which it was most injudicious to encourage. Not only was that spirit of war fostered in young officers, but a vast amount of absolute immorality was produced. One man in every four of the Army had been convicted of drunkenness, and out of 17,000 recruits there had been no less than 5,000 deserters. That alone showed the large amount of vice which would always be an attendant on a standing army in times of peace. He might be told that this expenditure was called for by the vast standing Armies maintained on the Continent, and he believed that the great Powers had on foot not less than 5,000,000 men. But, on the other hand, the aggregate debt of Europe had increased to £2,218,000,000, the larger part of which had been expended in keeping these vast forces in arms, and in fostering the military spirit. And what was the consequence? Why did the German emigrants leave their country in shoals? It was to escape the conscription, and because they hated the military service. In Russia, the same thing went on, thousands emigrating to America to avoid service in the army. He felt it his duty to second the Motion of the hon. Baronet, because he believed that keeping up that war force in time of peace had a detrimental effect upon the morals of the country at large. It was said we were a Christian nation. The Church had a prayer which thousands uttered every Sabbath day, and it was,

Mr. Pease

"Give peace in our time, O Lord." That was a prayer we ought to listen to, and thus set a better example to those nations of whose conduct we had reason to complain.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the assurances of friendship from all Foreign Powers mentioned in Her Majesty's Speech from the Throne, warrant a reduction in the land forces of the British Army,"—(*Sir Wilfrid Lawson*),

—instead thereof.

MR. P. A. TAYLOR said, as he intended to vote for the Amendment of his hon. Friend the Member for Carlisle (*Sir Wilfrid Lawson*), while not at all agreeing with some of the grounds upon which he based his proposal, he should be glad if the House would permit him, in a very few words, to explain the different grounds upon which he intended to support the proposal for a reduction of the Army. He was not what his hon. Friend called an early Christian; he did not at all believe in the immediate approach of a Millennium in which the rule of force would cease, and moral considerations alone govern the destinies of the world, nor did he put that faith which his hon. Friend appeared to do in the pacific assurances which Her Majesty invariably received from England's rivals abroad. He supported his hon. Friend in the first place, because he retained the old traditional objection of the Liberal party to a standing Army. Some reasons for that distrust and suspicion had just been alluded to by his hon. Friend the Member for Darlington (*Mr. Pease*). There were others not less important which he might mention, but with which he need not trouble the House at that time, as they were sufficiently recognized and understood. But beyond this he entertained the opinion that their form of standing Army had passed into a condition of present and necessarily increasing inefficiency. That was an impression which, in his opinion, was becoming generally shared by both sides of the House, and by all parties in the country. To put it simply, the day of the recruiting sergeant was past, and under its present form and government the military occupation as now carried

out could not enter into competition with the best portion of the working classes of this country, with their ordinary avocations and modes of industry. It was not his intention to trouble the House at that time with more than the merest sketch of what he would propose as a substitute for their standing Army; it was enough to say that he would base it on the principle of making the entire male population of the country a great Reserve, to draw upon in any case of real necessity. He would endeavour to increase the physical force and strength of the whole population, superadding such an amount of military training as would make all the nation rapidly effective in case of necessity for defence. He was, of course, pointing to some modification of what was known as the Swiss system, and this, in his opinion, was the sort of aim which they should set before themselves in the future, and which he believed would be warmly assented to by the working classes of the community. A commencement should be made at once in this direction by requiring some amount of physical education and gymnastic exercise as a branch of their system of national education. He was aware that to many these views would sound exceedingly Utopian, but he was convinced that he was far from standing alone in these opinions. Three or four years ago 50 hon. Members of that House held a private meeting on the question of the national defences, and signed a paper of adherence to a scheme something like that he had sketched out. On that occasion he had for the only time in his life the honour of finding himself in agreement with the noble Lord the Member for Had-dingtonshire (*Lord Elcho*). It was therefore upon quite opposite grounds to those put forward by his hon. Friend the Member for Carlisle that he supported his Motion. It was not because he thought with the hon. Baronet that England was superfluously strong in defence, it was rather because that in any case of strain and necessity she would be found essentially weak. The hon. Baronet had stated that he based his Motion upon a Vote of Confidence in the foreign policy of the present Government, in which he said he had just as much faith as in the policy of the right hon. Gentlemen who now sat upon the Opposition side of the House. In that

sentiment he (Mr. Taylor) entirely agreed. His confidence was equally great—or small—in the right hon. Gentlemen who sat on the one side or the other of the House. He believed that that Department of Public Business, like any other Department which was practically free from the observation and criticism of public opinion in the country, would be characterized in the future as it had too often been in the past by an unhappy mixture of rashness and cowardice. He believed they would be liable in the future to such alternations of spirit as had marked their policy during the last few years: parallels would be afforded to their conduct in permitting Alabamas to prey upon the commerce of an ally when thought to be weak, and when that ally became strong of humiliating themselves, not by accepting arbitration, but by accepting it with the inevitable results accruing upon its being tried by *ex post facto* conditions; or should they find themselves compelled by the urgency of an ally to threaten again their great Northern rival, Russia, they would first commit the folly of striking at the extremity of the enemy and not at its heart—in the Crimea instead of in Poland—and finally when the occasion had passed of sacrificing the little they had gained through the expenditure of so much blood and treasure by tearing up the Treaty, which was the only result of the war. On these grounds he should vote for the Motion of his hon. Friend the Member for Carlisle.

MR. GATHORNE HARDY said, he did not think that on the present occasion it was necessary to enter upon the question raised by the hon. Member for Leicester (Mr. P. A. Taylor). The question of conscription was of too large a character to be discussed on that Motion, and he doubted whether conscription would be found in its results at all less expensive than the system at present existing. As the hon. Gentleman gave that sole ground for voting against the present state of our armaments, the House would feel that until the course suggested had been provided, we must keep to the existing order of things. He need not say much upon the Motion of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). It was certainly a little hard for one like himself, who had to go through the dry work of moving the Estimates, to find

that any little liveliness which might lie in the subject had been taken out of it by anticipation. The hon. Baronet said he had great confidence in the foreign policy of the Earl of Derby, and, relying upon that, did not think it was necessary to have so large a defensive force as we now had; but the Earl of Derby was of a different opinion, because he was a party to these very Estimates. There was one compensation in connection with his hon. Friend. Even when he was depicting our miseries, he did so in such a good-humoured manner that everybody was laughing when they ought to be crying. But when they left the hon. Baronet and went to the hon. Member for South Durham (Mr. Pease) they at once passed "from gay to grave, from lively to severe." That hon. Gentleman had depicted as blackly as he could all the evils of a standing Army; but he seemed to forget that the 400,000 men of whom he spoke were not only for the defence of this country, but for the defence of India and the colonies. As to the statement of the hon. Baronet the Member for Carlisle that in Pitt's time, the Army numbered only 18,000 men, he had to observe that at that period there were over 1,000,000 of men available for the defence of the country; while India had its own troops. The comparison between Pitt's time and the present day, therefore, was an argument in favour of increasing, rather than of diminishing, our forces. The reliefs now required for India rendered it essential, indeed, that we should maintain a considerable force at home, and he was quite sure the country had less to fear from its existing Army than from the success of enthusiasts like the hon. Baronet; because, if they succeeded in effecting such a great reduction in the Army as his hon. Friend contemplated, the effect would be that people would become frightened, and say the Army was entirely inadequate for the protection of the colonies and the preservation of India, and a revulsion of feeling would sweep away all economical measures, and plunge the country into a larger expenditure than we had now. That being so, and feeling sure he should not convince the hon. Baronet by speaking at any greater length, he would only say that he trusted the House would not consent to the Motion, but allow the Government to go at once into the Estimates.

Mr. P. A. Taylor

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 224; Noes 61: Majority 163.

COMMISSIONS IN THE HOUSEHOLD REGIMENTS—RETURN.

OBSERVATION.

MR. SANDFORD rose to call attention to the Return (No. 281) on the subject of Army and Navy Appointments, and to the fact that the manner of obtaining Commissions in the Household Regiments, both Infantry and Cavalry, was omitted from that Return.

MR. GATHORNE HARDY said, that if he would move for it, the further information which the hon. Member desired to have should be given.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered in Committee.*

(In the Committee.)

(1.) 129,281 Land Forces, for the Service of the United Kingdom of Great Britain and Ireland at Home and Abroad.

MR. GATHORNE HARDY: Mr. Raikes, in moving the first item in the Army Estimates relating to the number of Men, it is usual for those who fill the office I have now the honour to hold to make a general statement as to the condition of the Service, both as regards its *personnel* and its *matériel*. Notice has already been taken this evening that there is an additional expenditure this year over that of last, but if hon. Members will be good enough to refer to a Paper issued this year, called "The Army (Variations of Numbers)," they will find a very full explanation of the causes of the difference between the expenditure proposed for the Effective Service of the two years, and therefore I shall not feel it necessary to go minutely into the matter now, and the more so because an opportunity will be afforded to hon. Members to discuss it when the various Votes are before the Committee. I may, however, mention that some portion of the general increase in the expenditure is due to the unusually high price of forage this year; to the supply

of the necessary horses for the autumnal drills and manœuvres at Aldershot; and to the large item of £25,000 occasioned by the additional day in Leap Year. With regard to the latter item, however, we may hope that my right hon. Friend the Chancellor of the Exchequer will receive such an additional sum as may more than balance the increased charges of the two Services occasioned by the extra day having to be provided for. In addition to these sources of increase there is that of the naval charges. It has been urged that much advantage would be derived from treating that item on the principle of repayment, so as to prevent its appearing in the Army Estimates; but the subject having been considered very fully by those who are anxious to bring about a proper balance between the Navy and Army charges, the conclusion that has been arrived at is, that, if the Committee wishes to have a thorough audit of the accounts for the two Services at the end of the year, it is absolutely impossible to adopt the principle of repayment. Therefore, it is that the charges for the Navy, amounting to £232,000, appear in the Estimates now before us. I may here remark that I am most anxious to furnish to the House the very fullest information I can with reference to the Army, but that information has already been published in its most compendious form in "The General Annual Return of the British Army," and therefore I hope that hon. Members before moving for Returns in reference to the Army will consult that work, and move for them in the lines there laid down, they will thus avoid throwing an unnecessary strain upon the Department, the regular work of which is sometimes brought almost to a standstill in consequence of the clerks being engaged in the preparation of some special Return, which is, perhaps, only consulted by some five or six Members. I can assure the Committee that it is our wish to make this general Return as complete as possible, and that every suggestion for its improvement shall receive our most careful attention. If hon. Members will look at the end of the present work they will see that we have added a new and very useful Return at the end of the Report of the Inspector General for Recruiting, which shows the increase and the decrease in the Army during each month of 1874. That, I believe, will be found extremely useful.

Before I proceed to deal with the general subject of the Estimates, perhaps the Committee will allow me to make a few observations on the question of the recommendations of the Commission upon Officers' Grievances, which have been referred to several times. It is my intention, when I bring forward the Vote for the Army Purchase Commission this year, to call the attention of the Committee to three of those recommendations, and to ask for an additional sum on account of them; therefore, it is unnecessary that I should go into the subject at the present moment, further than to say that as inasmuch as the subject which was before the Officers' Grievances Commission is so intimately connected with the question of promotion, until the Commission on that question has reported, and ample time has been allowed us for considering that Report, we shall be unable to deal finally with it. The principle laid down by my Predecessor in office was, that as adequate a flow of promotion must be maintained in the Army as was maintained under the Purchase system. That subject is now under the consideration of the Committee, and it will be recollected that in the Report of the Commission on Officers' Grievances all the recommendations were based upon the assumption that promotion must be kept up in accordance with the principle laid down by my Predecessor. I may remind the Committee that I have been required to complete a great deal of unfinished work, and therefore I hope the Committee will extend to me some consideration on that account. My Predecessor had commenced a great many subjects, and as far as regards the Abolition of Purchase, he left office without having laid down any principles upon which the future system of promotion and retirement from the Army should be conducted. As time went on, it became necessary that the latter question should be taken into consideration, because, in consequence of the Purchase system dying out rapidly, the difficulties connected with promotion would be growing day by day. Leaving these questions, I should wish to give the Committee some information with regard to the *matériel* before entering upon the subject of the *personnel* of the Army, and in doing so I will refer very shortly to the different heads under which my remarks will occur.

Mr. Gathorne Hardy

In the first place, I should wish to call the attention of the Committee to Vote 12, relating to the Stores. The Stores were formerly under the management of what was called the "Control Department," but I have taken upon myself—I hope not without the assent of hon. Members opposite—to abolish that title, which has led to every sort of jealousy and ill-feeling, it having been supposed that department was created to regulate and control everybody in the Service; and, although that was not the case, it was not thought desirable to retain a title which gave such great offence, and therefore we have divided the department into two branches, one to be called the Ordnance Store department, and the other the Supply and Commissariat department. The officers in these two branches will be placed upon two different lines of promotion, one set being placed under the Director General of Artillery and Stores, and the other under the Director General of Supply, both remaining under the Surveyor General of Ordnance. I hope the alteration will be carried out immediately. There is no immediate intention to interfere with the Transport, which for the time remains under the Commissariat, although the time may come when it may be necessary to deal with that branch of the Service. It will be noticed that under the Vote for the Supply and Manufacture and the Repairing of Warlike and other Stores there is an apparent increase of nearly £16,000; but the reason of that apparent increase is, that there will be a less repayment in the year than there was a right to expect of about £65,000, and therefore there has been an actual saving under this head of £49,948. I may state that a considerable reduction has been effected in the cost of the manufacture and repair of small arms through the various improvements which have been introduced into the machinery. On the whole, the reduction is very considerable. In connection with the Ordnance Stores, it has to be noted that we are still engaged in making an 81-ton gun, capable of throwing a 1,600 pound shot—a monster surpassing anything which has yet been known. Of Artillery, we have 372 field batteries manned, equipped, and horsed, as compared with 180 in 1870; and we are keeping up our Reserves steadily. This is one of those defensive Forces to which, perhaps, even

the hon. Baronet opposite (Sir Wilfrid Lawson) would not object, for it is scientific and complete in every way. With respect to small arms, the Martini-Henry rifle has been supplied to all the troops at home, and I am happy to say that the reports of it are extremely favourable—that the men, instead of being distressed with the recoil, do not feel it at all, and that the weapon is one that gives great satisfaction. On the 31st of March this year, we shall have a reserve of 400,000 Martini-Henry and Snider rifles, 57,000,000 of ball cartridges; our store of gunpowder is fully maintained; and, with regard to all other stores, I may say that the supply is adequate. I need say nothing at present about the Commissariat. It will be sufficient to enter into the details of that part of the subject when we come to the Votes. I have endeavoured to obtain the latest information with respect to the condition of the brigade depôts. The expenditure under that head is not in the Estimates; but inasmuch as the time must come when it will materially affect them, I think the Committee ought to be told as much as possible on the subject. There are to be 70 of these depôts. New barracks are to be constructed for 32 of them. At present 15 of these are under contract; plans are ready for seven; plans are in progress for other five, and with regard to the remaining five, negotiations for land are going on. As to the other 38 depôts, existing barracks are at present being adapted for 20 of them, and plans are in hand for the adaptation of 16 more, while two are tentatively occupied. In the other cases, alterations are under consideration. There has been a great desire to have training barracks for the Militia—that is to say, there is an objection to going under canvas. Warley, we hope, will soon be available, and negotiations for land are going on at Lichfield which I hope will prove satisfactory. With respect to the Northern Tactical Station, which I mentioned last year, I am sorry to say we have not made much progress. The mere sight of a cocked hat in any neighbourhood where it is supposed land may be wanted for troops has a most prejudicial effect in raising the price, and the sum demanded is sometimes enormous, we have therefore to look around us very carefully before purchasing any land for this purpose. But the scheme to which I

refer has not been lost sight of, the matter being at present in the hands of the general officer commanding the Northern district. I cannot conceal from myself that the difficulty in regard to land is growing day by day, and that we are constantly becoming more “cribb’d, cabin’d, and confined”—a fact which is, perhaps, natural in this thickly inhabited country. For many reasons land is becoming more valuable—the means of bringing it under cultivation are increasing; and even at Aldershot, on account of the increasing difficulty we experience in moving outside the ground on which the camp stands, we shall have to face that difficulty by extending the area of our possession if we are to continue to have manœuvres on an extensive scale—manœuvres which I need not say are of great advantage to the different branches of the Service. Passing from that point, I may mention that new barracks have been built at Colchester for the Artillery; that additions have been made at Shorncliffe, with a view to having a complete tactical station, and that additions have been made at Glasgow in order to have a Cavalry and Artillery station. No Militia having yet been annexed, we are not in a position to give any information as to the probable working of the brigade depôts when they are in complete order. During 1874-5 £200,000 will have been expended on fortifications that are being built under the loan, and I think I may say it has been mainly spent on iron shields for the forts. It takes a long time to procure these shields, as there are only two firms which supply them, and the process of putting them up is tedious. Plymouth and Pembroke are now complete; Portsmouth is approaching completion; and there is a prospect that the whole amount which so many years ago was taken for the works in question will not be needed. Such a result would, no doubt, be highly satisfactory to the Committee, and I am bound to say that it would be chiefly due to the distinguished officer—Colonel Jervois—who has had charge of the works. Sir Frederic Chapman, the Inspector General of Fortifications, reported as follows on this subject in February, 1874:—

“These results are mainly due to the engineering skill, administrative ability, and untiring zeal of Colonel Jervois, on whom has devolved the general conduct of the business relating to these national defences from the first

conception of the design to the actual execution of the works."

In that opinion I entirely concur. Colonel Jervois is now going into a new sphere of action. He has been appointed Governor of the Straits Settlements, and those who have been connected with him in the War Department have every reason to believe he will be as successful in his new post as he has been hitherto. With respect to the fortifications which are referred to in the Estimates, I have to state that the fort at Landguard is nearly complete. There is a turret being constructed at the Admiralty Pier at Dover, and the works at Gibraltar are nearly ready for heavy ordnance. The outer defences at Malta are rapidly advancing, and at Bermuda and Halifax there is not much remaining to be done. About 800 heavy guns will have been provided by the 31st of March, and a large proportion will be in their places. The smooth-bores will have, in a great measure, been replaced by the converted rifle guns, which have been proved to be a very effective weapon. Coming next to the subject of military education, I must allude to the very satisfactory Reports which I have received in regard to the schools for the soldiers' children. I will not go into details upon the present occasion, but I cannot refrain from saying a word about a gentleman to whom great credit is due in connection with the establishment and promotion of these schools—I mean the Rev. G. R. Gleig, the present Chaplain General of the Army. At a great age, that reverend gentleman has resolved to retire from a post which he has occupied for a long period of time with great advantage to the service, and I am sure the Committee would not like that I should pass from the subject without referring to his services. Anyone who has read his interesting and fascinating book *The Subaltern* about the Pyrenean campaign, and who knows the localities referred to in it, must have been struck by the accuracy of his descriptions; and we know also how gallant was his behaviour. Afterwards he served with distinction in America. He has gradually reached the position he now occupies, and for which his great exertions in establishing military schools and bringing them into an efficient state pointed him out as fit. I am sure the Committee will not overlook the good service he has done, but will heartily

Mr. Gathorne Hardy

wish him a peaceful and happy retirement. With respect to the military education of a higher class, I want to call the attention of the Committee more especially to Sandhurst. Last year a system existed by which young gentlemen, after having succeeded in the competitive examinations, received their commissions and were sent for a year to their regiments, after which they were sent back to Sandhurst to complete their school training for another year. The House showed last year that it considered this plan as sure to fail. You could not treat officers who had been in a regiment as boys are treated, and it was certain to lead to the difficulties to which it did lead. We have now altered that; but I am not satisfied that we have gone far enough, and I look forward to a time when, after a young man has passed his examination, he will go to Sandhurst upon the same footing as cadets go to Woolwich; that instead of the country having to pay them as commissioned officers they will pay for themselves during the year they are at Sandhurst. By the plan we propose we shall get rid of the difficult and complicated system of ante-dating commissions, as those who obtain commissions will proceed straight to their regiments and stay with them from that time forward. That seems to me a much better plan than the present, and it is most important that we should get rid of an irritation to which that system has given rise. I cannot pass from Sandhurst without calling attention to the estimate in which that school has been held by one of the present Kings of Europe. The present King of Spain went to Sandhurst last year and conducted himself in all respects very much as any other cadet would have done—showing himself anxious to submit to the discipline of the place and to take advantage of the instruction to be obtained there. It is, I think, to the credit of Sandhurst that it should have been selected by those who were interested in the new King, as the place of his education. With respect to Woolwich, we know that we have had there one of a very high position, who not only made use of that military school, but attained a very high standard in almost all the subjects of examination. I think that England has been honoured by those two military schools having been selected for the education of those two distin-

guished persons to whom I have referred. I should add that the Reports from Woolwich have been favourable during the year, as have been the Reports from Sandhurst also, and so far what was proposed last year has proved successful. I am thankful to say that, although the students at Sandhurst have had to submit to considerable inconvenience in consequence of their increased numbers, and the new buildings not being completed, they have done so with great good humour and good feeling. I come now to a point as to which I was questioned last year—the Medical department. That department has, I frankly own, given me infinite thought and received from me much consideration, and I am sorry that even at this moment I am not prepared to make any very definite proposal. The fact is, that there has been a very great change made in the Medical department. That department was in 1873 regimental, and is now departmental. It has become a Staff, and until it has settled down it is most difficult to arrive at a conclusion as to the best mode of dealing with it. Indeed, members of the Medical department have issued publications which are extremely interesting, but which are by no means unanimous in the opinions they express, for there are in the pamphlets I have read, strong advocates for the Staff system, for the regimental system, and for a combination of both systems. Whether it would be possible to combine both is a very serious and difficult question; but certain trials are being made with a view to solve the difficulty. Whatever the result may be, I think it is but right to allow of a fair trial for the existing system; but there are, however, one or two points as to which the Medical department have a right to know what my view is, and the first is the question of promotion. For my own part, I do not see the difficulty which was seen by my Predecessor in office of allowing what practically they get—namely, their promotion in 15 years. They want to be secured in it, and I do not see any great difficulty in securing it, although I have not yet arrived at any definite conclusion on the subject. So, also, as to the question of fixed retirement at a certain period—that is a subject which presses itself upon my mind, although until I come to a conclusion upon it, I would rather not make any promise in respect of it. While I was still considering and

making progress as to the Medical department, I was, I must say, somewhat startled by the Warrant which was issued by my right hon. Friend near me for the Medical department of the Navy. It may be said that the two Medical departments stand on a totally different footing, but, to a certain extent, the two services must compete for the young men entering the profession, and if the Navy gets too many of them, it may be necessary that we should raise our terms in order that we may get our fair share. That also has stood in the way of my coming to a definite conclusion; but I may say I am most anxious to settle a matter which affects so much the interest of the Army, and of a profession which has done its duty so thoroughly well as regimental officers, and as I have no doubt they will in their present position. With respect to the health of the Army, the foreign Reports have not all come in, but, substantially, it is satisfactory. There are some local fallings off as compared with 1873, but, taking the last 10 years, there was a fairly low ratio of sickness in the Army during the year 1874. The deaths in the United Kingdom were 9 per 1,000, which is, I am told, identical with that of civilians of the soldiers' ages. In India the deaths were 13·41 per 1,000; and that is by no means a high average. With respect to one expedition which went out last year—that to the Gold Coast—the medical service was so highly satisfactory that it would be wrong in me to pass it by without a word. The deaths amounted to 63 from disease, or 31·4 per 1,000, and 18 who were killed or died from wounds. Nevertheless, the troops seem to have been in good health since their return from that pestilential climate. There have been some cases of ague, but very few, and I am told by the Director General of the Medical department that this most satisfactory result, considering the nature of the service and of the climate, was mainly owing to the skill, care, and intelligence of the medical officers accompanying the expedition. With respect to the non-Effective Service—the out-pensions—there is an increase of £42,000, which arises from arrangements with India, which I will explain when I come to deal with that branch of the subject, as also an increase on account of general officers. I may again mention, as I did last year, that we do not propose this year to have manœuvres

on a large scale. I am led to that conclusion by many considerations—to a considerable extent by the very large price of horses and forage which would have greatly enhanced the cost of such manoeuvres—and I thought that, inasmuch as the drills last year were very useful and advantageous, we might this year go on with them at Aldershot in connection with the Militia regiments as before. I have mentioned some distinguished names in the course of what I have said, and I may be allowed to mention one more. A most distinguished officer who commanded at Aldershot has died within the last few days, and I cannot proceed further without referring to the name of Sir Hope Grant. As a Cavalry officer he was one of the most daring and intrepid that ever led Cavalry into action. He was beloved by subordinates and soldiers, and when he was promoted and became a General he was found to show the same consideration for his men and for his officers, and the same trust was reposed in him by his officers, as when he commanded a regiment. And, although some persons conceived that a Cavalry officer was not best suited for the command which Sir Hope Grant held, yet it was found that in India, during the Mutiny, and China, he distinguished himself in the face of the enemy in the highest manner, and returned to this country having added to the lustre and honour of the British name as to his own. I cannot help saying that Sir Hope Grant was one of those officers of whom England may well be proud. He raised himself entirely by his own exertions. He owed nothing to favour—everything to his own right hand—and his modesty was equal to his courage. I have no doubt we shall always find officers equal to the occasion; but it is something worthy of note that, when an officer who for a long time has been in comparative obscurity, is suddenly called upon to fulfil duties of the utmost responsibility, conspicuous ability and high qualities are proved by the difficulties of the position in which he is placed and the manner in which they are met and overcome. Such a case occurred in the career of Sir Hope Grant. Now, Sir, there is one department for which an addition is proposed to be taken for special service—I mean the Intelligence department. I have read an interesting book written by the hon. Member for Hackney (Mr. J.

Mr. Gathorne Hardy

Holmes), in which, speaking of the Berlin War Office, he says that there is no road, no river, no stream in a country which they did not know as well as the people of it, and that more is known at Berlin of the streams, roads, and hills of our southern counties than in London. It seems to me to be extremely desirable that the Intelligence department should be complete as soon as possible the information which they are to furnish, and we have with that view added a small sum tentatively. The staff is small, but it does an immense amount of work, which will, I have no doubt, prove most beneficial to the country. I now come to an item of increase which I am sure the country will approve. For years past the neglected state of the Crimean graves has been a subject of great regret, they having been plundered by the Tartars, and it is now proposed to take a sum of £5,000 for the purpose of putting them in order. They will then be handed over to the charge of our Vice Consul, who will have them properly guarded, and to Captain Anstey is entrusted the duty of seeing that the money is properly expended. There is another item of an exceptional character—the payment of £5,000 to Major Moncrieff at the end of his connection with the War Department, as was promised. I trust, the Committee will forgive me for detaining them so long from the question as to the men who are to form the Army for the coming year. The number of men we ask for this year is 129,281. It will be observed that this is a few more than last year. It partly arises from a change in the Artillery, which accounts for 131 men, and there are 91 who enlisted before, but who were treated as clerks and were not in the ranks. The Army at home and abroad, including the Indian Army, will number 186,432. The number of Militia voted will be 118,000, but my impression is, that the number enrolled will not be more than from 103,000 to 105,000. We must, however, take the outside number, as we may recruit up to it. The number of Volunteers who are efficient is 161,150. The Yeomanry will be 12,500. The Enrolled Pensioners will be 21,995, and Class A of the Reserve Forces will be 7,829. The total number of men will be 450,755, but not in the sense, as the hon. Baronet the Member for Carlisle will have it, of being an offensive Army.

We must look to the Regular Army as the offensive Army. The Artillery has been changed, as no doubt many hon. Members are aware, for the purpose of improving the reliefs in India. The proposal is, that there should be three brigades of Horse Artillery at home and three in India; six brigades of Field Artillery at home and six in India. So that there will always be a balance kept, which has not hitherto been the case, and that will be an important change in working the Indian reliefs. The Committee will see in the Estimates a full statement of the distribution of the Forces, although the distribution cannot be exactly in accordance with that memorandum. There will be one small variation in the first instance, because 50 Engineers are going out to Fiji to survey the land of the islands, so that we may know what we have really got. They will go out not so much as soldiers as *quasi*-civilians. To a certain extent they will receive pay from the Colonial Department, although they will receive their usual pay from the Army. I now come to the great question—as to what is to be done with respect to the men who supply the Army. It seems to have been supposed, although not in this House, that it was my duty to begin my career by attacking the late Secretary of State for everything he had done. Even if I had differed from him on every point, I should have thought that exceedingly bad policy, for by such a course I should only have misled others, and inflicted an injury upon the Service. I give the noble Lord (Viscount Cardwell) the credit, which I am sure he deserves, for having done his best to put the Army into an efficient condition; but he has left a very unfinished work, and I hope the Committee will not think I am acting unwisely in proceeding very slowly. Patience and a very impartial consideration for everything connected with the Army are what the country will expect. It would be easy for me to make great changes and reconstructions; but it would be acting an unwise part, because lines have been laid down at an enormous expense which have been sanctioned by Parliament, and which have never received a thorough trial, and if I had done away with what has been done by my Predecessor, I should have put myself in a position which neither my knowledge nor ability would have justified. There has already been so much

change, that it would be unwise to make every one feel that the state of things was thoroughly unsettled. A great many attacks have been made on the condition of the Army; but few who have attacked and criticized have laid down a scheme for the re-construction of the Army. The hon. Member for Hackney has been bolder; but I think he assumes too much, and I cannot see that he has laid any ground for supposing that he will obtain the particular class of men from 20 to 25 that he hopes for, instead of the younger men who now enlist. His plan is based to a great extent on that of Prussia and Germany; but he does not sufficiently allow for the distinction that conscription exists in Germany, while the British system is founded on voluntary enlistment. With respect, however, to the details of the hon. Member's plan, they are worthy of great consideration, especially with regard to Army Corps. That might lead to decentralization, and create emulation among the officers, which might have desirable results; but, at the same time, we must not forget that we have a system of organization which is on its trial, and we must give it a fair patient one. We must watch, too, lest defects should creep in which we cannot remedy. What I would ask the Committee to permit me to do is to look carefully into this system of organization, for we have a system of Brigade Depôts for recruiting which has not yet been brought to a state of full development. In what I have said I have endeavoured to give my attention to all the points that have been brought before me, whether relating to officers or men; it is a very laborious occupation, and one which takes a great deal of time, and if I proceed slowly, that must be my excuse. There was the question of Indian Ordnance Officers, which I was able to settle last Session. The Commission on Officers' Grievances reported last Spring, and there are certain recommendations which I hope, after Easter, to bring before the House. With respect to the great question of promotion and retirement, I am waiting for the Report of a Commission which is fully competent to examine all the circumstances before I present a scheme to the House. Having referred to the question of the officers, I now come naturally to the men. It has been generally supposed, and indeed there is no doubt, that there is a general disinclination on the part of a better

class to enter the ranks of the Army. It must be admitted that the Army is not recruited from that class of men which my Predecessor hoped would come in; but, practically, the recruits remain of the same class as before, although to a certain—perhaps not a very great—extent they are younger than they used to be. With respect to recruiting, Reserves, and desertion, and all these subjects, I have formed a Departmental Committee in the War Office to collect information. They have been busily engaged in so doing; but they have not yet reported to me, and I want to be sure, before I make a step forward, that I shall not afterwards have to take two steps backward. No one can regret more than I do that Colonel Anson is not now a Member of this House; but it is a matter of regret that he should have supposed that the moment a gentleman became connected with official life, he would begin to plaster over every defect, or that he would have any other object than to tell the truth relating to the Army. I apply that remark to his references to the Inspector General of Recruiting. He has sent in a Return which is, I am sure, founded on his own unhesitating belief, and the honesty of his character might be an assurance that he has no object except to give the War Department and the country the fullest information about recruiting. I have myself endeavoured to ascertain what is the position of recruiting in the Army. I find that the recruits under two years' service in the Guards amount at this moment to 847 men out of 5,132 men. In the Infantry they amount to 8,294, out of 33,800. So that very young recruits in the Infantry and the Guards are a very considerable minority, although, of course, a growing minority, and they will in time become a majority. We send all the elder men as reliefs to India, so that the *cadres* at home are seen in their very worst condition, and seem to be very much composed of young men. In former days there was a greater appearance of solidity and age in the men from the mixture of the older and younger men, and that is very different now. A Commission on Recruiting was appointed in 1866, composed of some of the most eminent men in this country. They were told in a letter from the War Department that for two years there were not a sufficient number of recruits to fill the Army, so that there was a difficulty

Mr. Gathorne Hardy

in procuring recruits under the system of long service. They said there was no disposition on the part of the young men of this country to look to the Army as a profession, and they stated that great complaints were made of the extreme youth of those who were sent to India. I mention this to show that the same complaints were made as to the ages of recruits under the system of long service as are made now. Now one word with respect to the Reserves. Suppose we wanted to fill up, both in this country and in India, the *cadres* to 1,000 men. What should we do? We should require a Reserve of 58,000 men. We have, under the present system, a Militia Reserve which I will not put higher than 28,000. I believe the Militia Reserve is not by any means so unreal as an hon. Gentleman opposite supposes, nor am I inclined to think with him that the Militia itself is an expensive toy. A great many officers say that the Militia is becoming a very serviceable corps indeed, and that it supplies the Army with very serviceable men. If I put the Militia Reserve at 3,000 lower than 28,000 added to the A Reserve of, say, 7,000 men, that, no doubt, leaves a considerable deficiency. But I should like the Committee to consider that there are in this country a very large number of discharged soldiers; there are besides a great many men who have been trained in the Militia. Under pressure we could obtain at least 25,000 of these men. That would, at all events, give us a sufficient number to start with. There is no doubt that pressure is needed to bring up the Reserves, and that, as far as possible, steps must be taken to expedite the process of filling up the Reserves, so that we may be in a position to complete all our ranks whenever occasion requires. [Lord ELCHO asked, whether the Militia Reserve of 25,000 would not be deducted from the Militia?] The Militia Reserve must, of course, be deducted from the Militia, and that will so far reduce the Militia. I do not want in the least to put forward any glowing or glozing account of the state of things. I want the Committee thoroughly to understand where they are, and I want to keep nothing back upon this grave subject. With respect to the question of long and short service, I will mention a few facts, because they tend to show whether the country is prepared to go with short service or not. One—

fourth of the recruits for the Line may enter for long service and three-fourths for short service. For long service only 1,444 recruits were enlisted in the Infantry, and 10,613 for short, which certainly gives one the impression that recruits at present can be got more readily for short than for long service. With respect to the quality of the present recruits, I know there has been a very great difference of opinion. I should like very much to read a short statement that was given to me by the Director General of the Medical Department, Sir William Muir. It occurs in his Report to me with respect to the recruits. He says—

“The question of the physical stamina of the recruits obtained in 1874 is one on which reports have regularly been received from the principal medical officers of districts during the year. In them the notices are generally favourable, but occasional mention is made of the apparent youth of some of the recruits and usually by the same officers, but not of their having contributed disproportionately to the number in hospital or of invalids. From the absence of this mention it is to be inferred that after joining young lads become robust, and that even at first they are equal to the duties required of them.”

The other day I went to Aldershot to see the recruits. I believe notice was given of my intended visit only on the night before. There was no parade whatever, nor did I see any soldiers mixed with the recruits. I saw the recruits only of 1873 and 1874. I believe I saw altogether about 4,000. I will tell the Committee very candidly what I saw and the impression I derived. It was an extremely cold morning. It was one of those very frosty mornings which would make a very well-dressed and comfortable man look rather blue and pinched and cold. Therefore, it was a very unfavourable morning to see men not very well or warmly dressed. Some of the men were in their uniform, others were in a loose sort of undress. I spoke to the officers of Light Cavalry, and they all said they never had so good recruits in the Cavalry as at the present moment. As for the Artillery, there was no concealment at all on that subject. I was told that the gunners in the Artillery were not of a high class—that many of them did not seem to be men of that physique which would enable them usefully to work with very heavy guns. But with respect to the drivers I cannot say I saw any deficiency, nor did I hear any com-

plaint with respect to them physically. I then passed on to the Infantry. I was greatly struck with the extraordinary difference in the regiments, and of course I do not think it would be advisable for me to give the names of the regiments. But there were certain regiments in which it did seem to me that the recruits left little or nothing to be desired. First, as to the recruits of 1873 :—They were men who, by the year that they had had in the service, had grown into strong and useful soldiers. In a good number of cases—I may say in the majority of cases—those who were of the 1874 class were men of whom I think I may fairly say they were becoming very much the same as those of 1873. But when I came to one or two regiments the men appeared to me to be not only deficient in physique at present, but not to have in them the capacity of becoming strong men. Upon inquiry I found these recruits were obtained from a class not likely to furnish the best supply of strong men. I am sorry also to say some of the men were not of the very best character. That, of course, will not be taken to apply to all recruits who were physically deficient, but certainly there were some complaints on the subject also. Well, the impression which this cursory view made upon my mind was, that the men were generally young; but in the majority of cases they were, as I ascertained from the leading officers, of exactly the same class as they had always got. They thought that, perhaps, to a certain extent, they were younger, but that after a short time they would become as physically able as the men they had in former days. I should be extremely glad, however, if a class of recruits would come forward of a higher class than the majority of those I saw. But when I am asked to take none but men of 20, I say is it possible to procure men of 20 while labour in this country is in its present state? A labouring man of 20 has settled down to a particular work; in most instances he is devoted to some particular pursuit, which occupies his attention, and being satisfied with it, he does not think of changing into the Army. With respect to obtaining recruits for future years there is a great experiment going on in the Brigade Depôts. The Brigade Depôts are to become the recruiting centres. The object in establishing these Brigade Depôts was to obtain recruits from the

districts in which they were established, and it has been supposed by many that the time will come when there will be found in these depôts a new source for recruits, who will do more credit to the Army than those whom we obtain at present. I, however, think it is somewhat doubtful as to the localizing effect of these centres, for I believe that generally recruits enlist at a distance from their homes in order to avoid the sneers of their neighbours. However, greater facilities will be given for recruiting the Army by establishing these Brigade Depôts, because a person desiring to enlist, and, at the same time, to avoid exposure, will be able to accomplish his purpose by travelling no great distance from his home. There are some districts which I believe have never furnished many good recruits. There appears to be rather a hostility to recruiting in those districts, and if we find we are not getting efficient men, we must remove to some other quarters and endeavour to get them there. Another point connected with this subject is under examination by the Departmental Committee to which I have referred. All kinds of proposals have been made with a view to stopping desertions. It will be found that in 1859 desertion was carried on on a larger scale than it is at present. I think that in 1859 it was as high as 42 per cent on the recruiting, and therefore, although I am not going to extenuate the present state of things, I must ask hon. Gentlemen opposite not to "set down aught in malice" in comparing the amount of desertion now with that of former periods. We do all we can to punish desertion; but I am sorry to say magistrates often inflict wholly inadequate punishments, and seem to act upon statutes which are not the statutes at present in existence. That, I think, is very much to be deplored, for if a man has deserted more than once or twice, it is high time he should be punished for violating the oath he has taken to the country. Some persons had suggested "marks." Now, if I were an officer or a private, personally, I should not object to being marked with any mark showing that I had belonged to Her Majesty's Army; there is no great harm in it; but, at the same time, if there is a general objection to marking, it might throw back the recruiting. Therefore, I am not prepared, at all events at present, to resort to that

Mr. Gathorne Hardy

course. With reference to the suggestion which has been made respecting the clothes and kit, I find that in many instances of desertion neither are disposed of. In very many instances of desertion it is difficult to say why men go. Sometimes they go merely for a lark, and it will be found that out of 5,702 desertions upwards of 2,000 come back. These have been put down as deserters because they were absent for a certain number of days without leave. Again, it must be remembered that in the total of 5,702, those who desert many times are counted over and over again. Still, no doubt, it is a very costly proceeding to keep picking up recruits and dressing them, and then to lose them in this way; and the matter is receiving my most anxious attention, and I hope to be able to devise a mode of checking it. I now wish to say a few words on the subject of the non-commissioned officers, to which the hon. and gallant Member for the county of Galway (Captain Nolan) called the attention of the House last year. I then said they deserved very great consideration, not only because they formed the mainstay and backbone of the Army, but also because it was most desirable they should meet with such treatment as would make them really the best recruiting officers for the Army. Well, I hope that before the Session is over I shall be in a position to present to the House a scheme on that subject, but as I have not yet received the Report, I cannot at present go into the question further than to hold out a hope that I may be able to improve their position. And now I come to the Militia. They are taken at 118,000, and, as I before observed, we expect that about 103,000 will be enrolled. Before the Session is over I hope to lay on the Table of the House a Bill to consolidate the motley and medley statutes which constitute the law of the Militia. I do not expect to be able to deal with the question of ballot this year, but everything that has to do with the voluntary law of the Militia I hope to consolidate into one statute, and if the House sanctions this we shall have a much better groundwork in future years to move upon in respect to the ballot and the enrolment of the Militia. An improvement in the Militia has been effected in consequence of the extended training of recruits. In 76 regiments the recruits were drilled for 12 weeks, and such a

period of training makes the ground-work for a man to become a soldier. Then the officers are becoming much better instructed. They take a great deal of pains to become proficient, and are perfectly qualified to command and discipline the regiments with which they are connected. The Staff of the Militia is being absorbed gradually into the Line, and will become connected with the Brigade Dépôts. The House is aware it was proposed that as the Militia adjutants had nothing to do except with their own Militia, and had practically nine months of the year to themselves, they should, under the Brigade Dépôt system, recruit for the Line, and undertake a number of other duties which had not previously devolved upon them. Complaints have reached us on this subject. The adjutants say that increased duties have been thrust upon them, which were not contemplated when they undertook their duties, and we have had one instance of an absolute refusal to recruit for the Line. Now, I think there is something to be said in support of the objections which the adjutants make. I propose, therefore, that all adjutants who are above 60 years of age shall be called upon to retire on the advantageous terms which I would also propose to all the present adjutants of Militia. On the expiration of 15 years' service in all, and five years as a Militia adjutant, a man may now retire on 3*s.* a-day; after 20 years' service, with seven years as a Militia adjutant, he may retire on 4*s.* a-day; after 25 years' service, and 10 as a Militia adjutant, he may retire on 5*s.* a-day; and after 30 years' service, and 15 as a Militia adjutant, he may retire on 6*s.* a-day. That scale is hardly likely to induce them to retire. I propose, therefore, to all those who signify their acceptance before the 1st of July the following terms:—Under five years as adjutant they will retire on 7*s.* a-day; under 10 years on 8*s.* a-day; between 10 and 15 years on 9*s.* a-day; and over 15 years on 10*s.* a-day. The Committee, I think, will agree with me that these are extremely liberal terms to offer, and, indeed, I should think that if there were no compensatory scheme, they were too liberal. Then we propose that the adjutants should be in a position to count their captain's service in the Militia towards the honorary grade of major, and have companies offered to

them in the Militia regiment; so that they may continue there as officers, though they will no longer be adjutants. We shall take captains on full pay from the linked Line regiments to act as adjutants to the Militia, and to undertake all the duties which the present Militia adjutants regard as an additional burden. These captains will hold their posts for five years, and we shall propose to fill up the regimental vacancies from the half-pay list. We shall thus get adjutants who will not only be qualified and ready to promote the interests of the regiments committed to their charge, but, as a part of their understood duty, will become instruments of recruiting for the whole Brigade Dépôt. Surely this will be far better than having officers who might think the imposition of these duties unjust, and perform them grudgingly? With respect to the Militia of Guernsey and Jersey, Guernsey has practically adopted the suggestions of the Government, and therefore we shall accept the scheme proposed there. As to Jersey, there has been some recalcitrancy, and the Committee may depend upon it that we shall not give way unless the Jersey Militia is made something really serviceable. I come now to the Yeomanry, a subject upon which I know that many hon. Friends of mine are anxious. The Yeomanry is being gradually improved, but great defects exist in it. Cavalry exercises are of a different class from those which were in vogue among the Yeomanry, and in the changes which occur in modern tactics we may see new uses of cavalry developed. There are many points which require consideration with regard to the Force, and I propose that they should be considered, not by a Commission, but by calling together for friendly counsel four officers of the Yeomanry, four Cavalry colonels, and three Representatives of the War Office to confer upon the changes which may be necessary. As to the Volunteers, the Committee will observe that the number of efficient has largely increased. It has been said that there is a great dearth of officers; but that statement is exaggerated, for though there may be fewer officers in one respect, a great number of what are called supernumerary officers are available. I feel, however, that I need not trouble the Committee on any points connected with the Volunteers till we

come to the Vote itself. The officers themselves, I may say, are taking great pains to acquire a knowledge of their duties. The percentage of proficient to enrolled members in the year is 8·06, and this number is constantly increasing. As to the Artillery Volunteers, the report from Shoeburyness is of a very favourable character, and many of these Artillery Volunteers are in a position in which their services, in case of difficulty, might be of the greatest possible utility. I think I have now gone over the items connected with the Estimates. I confess I have no great expectation of arriving very rapidly at the results anticipated by the hon. Member for Hackney, for I fear we cannot hope to procure at present a high class in the British Army, and that we must rely for a long time upon the class which has hitherto supplied us with men. As to conscription, too, I expect that, if ever it comes, it will come at a distant day. We have only one compulsory force, and that is under the ballot for the Militia, which is suspended year by year upon grounds which hitherto have commended themselves to the country. I am bound, however, to say that I have been extremely struck lately at finding in many quarters where I should hardly have expected such a feeling, a growing inclination to try in some shape the ballot for compulsory service. Whether the time will come for such compulsion I cannot say; but I am quite sure that the time never will come unless public feeling pronounces very generally and strongly in its favour, so as to enable any Ministry to carry it into effect. My great object will be to watch carefully what is going on in the Army, asking the House meanwhile to grant me its indulgence that I may have time and be able to show the requisite caution. I do not deceive myself as to the difficulties of the position; but I wish to give a fair trial to the existing system till I see myself obliged, if I should be obliged, to confess that the system is a failure. If I do make that discovery, I shall not hesitate to say that I have been wrong in giving it so long a trial, and I will ask this House to sanction such changes as will make the Army efficient for the purposes for which it is intended. The right hon. Gentleman concluded by moving that the number of men during the financial year should be 129,281.

Mr. Gathorne Hardy

GENERAL SIR GEORGE BALFOUR said, he had great pleasure in complimenting the right hon. Gentleman on the speech he had just made and on his efforts to improve our military organization. There was one change shown by the Estimates which, though long expected, might now be assumed to be accomplished, and that was the alterations in the designation of the department known as that of the Control branch. That department was created in the former Administration of the present Prime Minister, and its importance was considered sufficiently great to justify its formation being honoured by mention thereof in the Speech from the Crown. Useful results were expected to be achieved, not only by an improved administration in various branches of the War Office, but also great economy in an expenditure for Stores, Commissariat, Transport, and other supplies, amounting to nearly one-half of the whole Army Estimates. There could be no hesitation in claiming for that department the credit of having effected great good in the transaction of duties relating thereto, but also in effecting such important savings as to enable Lord Cardwell to announce to the House, that it had enabled the Government to diminish the military expenditure below the amount which had been incurred since the war with Russia. All who knew the difficulty of bringing down military charges, especially those added on to meet the requirements of war, would appreciate the efforts which must have been exerted by the Control department in order to aid the Secretary of State in arriving at that result. He (Sir George Balfour) therefore contended that the Control department had substantially succeeded, notwithstanding the defects in its organization and in spite of opposition of the most serious character, from open and secret enemies. He thought it was a mistake to put into the House of Commons the officer at the head of that department, the whole of whose time was required for the discharge of his onerous duties. The system initiated, however, had never been fully carried out, for it had never been intended that the officers of the Commissariat and Store departments should be confined to the discharge of those duties. He and Sir William Power had strongly, and would still recommend that, as in

India, a number of warrant officers should be appointed from the ranks who would be the executive officers in charge of these stores. By creating that new grade, the status of non-commissioned officers might be improved, and the service would be made more attractive, they would be carrying out what was intended to have been one of the chief features of the Control department. With regard to the promotion and retirement of officers much remained to be done; but as that must involve a very heavy outlay, he suggested whether the position of officers might not be improved by diminishing their numbers. The number of officers in the British Army was greater in proportion than the number in the armies of the other nations of Europe, and the tendency was for that proportion to increase. For instance, we now had 1,000 officers in excess of the number in 1854, though we then had more privates in the Army than we had at present. The number of battalions, of companies, of squadrons, and of batteries, were all in great excess. With regard to the *Dépôt Centres*, the right hon. Gentleman was quite right in expressing some doubt whether that system would be so successful in obtaining recruits as had been expected. The important changes made for the purpose of facilitating Artillery reliefs in India, again, did not appear of such pressing necessity as to justify the addition of brigades. A few years ago we had 16 brigades in India, but now we had only 13, and the present changes appeared to have no other effect than to add to the numbers of superior officers. He would gladly see the whole brigade system broken up, and the old plan, formerly existing, up to 1858, of carrying out the reliefs by batteries, restored. The organization of the Artillery was calculated to add to the Indian military expenditure in an unnecessary degree. The four brigades of garrison artillery now in India could be reduced to two brigades by amalgamating the 28 batteries into 14 of the existing strength. The right hon. Gentleman had given a very satisfactory account of the state of our stores; but nothing could be more detrimental to the efficiency of our naval and military forces than to be supplied with stores kept too long; and with regard to ammunition, the better plan would be, to be prepared to provide all that was wanted in large quantities when occasion should require it,

than to have a large amount laid by which could never be consumed except in time of war, and which then would be far from effective against an enemy. He hoped the right hon. Gentleman would watch with great care the working of the long and short service systems, regarding which he (Sir George Balfour) had never been able to enter into the feeling which was prevalent on the subject. Some men might desire to enter for a long service, while others preferred a short one, and encouragement ought to be given to both. Certainly, as regarded India, it would be preferable and equally desirable to give men that option. The Commission over which Lord Dalhousie presided, and of which he (Sir George Balfour) was a Member, distinctly pointed out that the Indian service was one which men about to become soldiers greatly desired, and which attracted them when other services could not. He hoped that in the re-organization of the Army the right hon. Gentleman would make provision to enable them to realize that desire. As for the Medical department, that branch of the public service might be safely left in the hands of the right hon. Gentleman, who was giving the subject the greatest attention. They were men who deserved well of their country, and he hoped they would find a friend in the right hon. Gentleman. He regretted very much that general hospitals should supersede the old-fashioned system of regimental hospitals, for he doubted whether a general hospital was as well adapted for the Army as regimental hospitals were. No doubt, a general hospital would be more efficient in the treatment of disease, in consequence of the larger staff; but it would be wanting in that control which could be exercised in regimental hospitals, where men were known to the regimental medical officers, and malingering easily detected. The curing of disease was not the only duty of a medical officer, but also the detection of feigned diseases by men desirous of skulking from the hardships of military duty. It was well known that soldiers often entered a hospital when there was no necessity for doing so, and, therefore, a knowledge of the characters of the men such as could be obtained in regimental hospitals was very desirable. He hoped the right hon. Gentleman would turn his attention to the enormous military staff at present maintained at head-quarters,

and to districts, which, measured by the military strength, must be viewed by all acquainted with the requirements of an army, as truly most objectionable. The right hon. Gentleman would, doubtless, endeavour to ascertain whether it was necessary to keep up those two different departments, the Quartermaster General's and the Intelligence department. With regard to the Intelligence department, while admitting its growing importance, he wished to point out that the staff maintained, under the designations of Quartermaster General and Intelligence, was much too large. In any change that might be made, he would strongly urge that that staff should be reduced, and he believed if the staff were reduced and useless appointments abolished, the service would be improved. He mentioned that excessive staff, because no one could be blind to the fact that if the expense of the Army went on increasing at its present rate the country, especially in a time of distress, would rise up against the whole military system, and then great changes would be made, leading perhaps to serious defects in the military system of this country. As to the Militia, he had never been a great admirer of that force, though it might probably be desirable to maintain it in its present state. In conclusion, he congratulated the right hon. Gentleman on the full and satisfactory exposition of our military affairs which he had made to the Committee, and he could only express a wish that, instead of speaking out all the useful details which he and his Predecessors so laboriously and so ably acquired, to meet the demands for information which hon. Members of the House might apply for, it would be much to the public interests to have the information printed and circulated before the Estimates were moved. This change could be effected with ease by extending one of the present Returns, designated "Variations in Numbers," so as to comprise all the many-figured statements and statistical details which the Secretaries of State now felt bound to collect and to retain in their memory in expectation of Questions often not put.

COLONEL ALEXANDER said, he wished to make a few remarks in reference to the Guards, a branch of the service with which he was intimately acquainted, and which had obtained special prominence in connection with the question of recruiting, by reason of

General Sir George Balfour

the last Report of the Inspector General. He dissented from the rose-coloured view which was taken in some quarters of the question of recruiting in that branch of the service. Last year, the hon. Member for Stirling (Mr. Campbell-Bannerman) stated to the House that the Guards were responsible for their own recruiting, and that the Government had nothing to do with it—a statement which was tantamount to saying, that for five years the Government had silently acquiesced in the extravagant management, or rather the mismanagement, of their recruiting by the Brigade of Guards. The Report of the Inspector General, which imputed no such mismanagement, was a complete justification of the view which he took of the subject when speaking upon it last year. What was bad last year, was infinitely worse this year, owing to the condition of the labour market, and the superior attractions of civil life. The deficiency in the number of recruits of a physique qualifying them for the Royal Artillery and the Brigade of Guards had been noticeable for some time past, and he ventured to predict that it would be noticeable for some time to come, unless the incentives to enlist were increased. The Brigade of Guards was, he believed, about 500 men short of what would be full efficiency at present, and in two years' time, the full effects of the short-service system would be experienced, and if it was found impossible to fill up the void in the ranks now, what would be done when so large a number of men would take their discharge? The Report said that the recruits for the Guards were scarcely of the stature and physique of those who joined in former years, and yet it was also said that the recruiting system was satisfactory. These two statements were hardly consistent. Nobody could read the Report without seeing that it was the Report of one who was attempting to put the best face on the matter, but who was compelled to admit the weakness of his case when he wrote that the recruiting machinery might be expected to grow proportionately more satisfactory, "provided there should be no outbreak of war." During the past year, 58 men had been employed recruiting for these regiments, and they had only obtained 226 soldiers, which gave an average of three and a-half recruits for each individual recruiter. Surely that was keeping up a very expensive machinery for

such miserably small results. There was a rumour that the Secretary for War intended to restore to the Guards the additional 1*d.* per day, which they formerly enjoyed, in consequence of the exceptional duties they were called upon to perform in London. He hoped that was true; because he was quite sure the money would not be begrudged them by their fellow-soldiers of the Line. It was interesting to watch the course of public opinion in reference to the matter. To him it was almost incomprehensible that *The Times* newspaper, which largely and beneficially influenced public opinion on most questions, should, in this particular case, have clung to an optimism which struck him as being infatuated and even pernicious. This optimist view culminated a few days ago, when *The Times* said—“The Report of the Inspector General is, on the whole, a thorough vindication of our recruiting system;” and this, though it appeared that in the three years ending 1873, more men had been discharged from the Army with bad characters than in the three preceding years. Nor was that fact surprising when they considered, as the Report allowed, that the unsatisfactory condition of recruiting did not end with the paucity of numbers; because, to his certain knowledge, men enlisted, misstating their ages, and after having served not very creditably in other regiments. What he thought would make the position of the soldiers more satisfactory than it was at present, would be to increase their pensions. He advocated that especially in the case of the non-commissioned officers. The present pension of a serjeant-major, 2*s.* 6*d.* a-day, was totally inadequate for a man who filled so responsible a position. It should be at least 3*s.* a-day. Pensions generally should be increased throughout the grades of other non-commissioned officers. The pay also of non-commissioned officers and men should be fairly, though not largely, augmented, and this increase should be in all cases progressive. Every man who had served six years should receive 2*d.* a-day additional, as a proof of his increased value; and, at the discretion of his commanding officer, that increase should be liable to forfeiture for crimes specially mentioned. Not only should the actual non-commissioned officers be paid, but those who now did

the duty gratuitously—lance-sergeants and lance-corporals. No regiment could possibly be effective, the non-commissioned officers of which were not thoroughly trustworthy, and no money could be ill-spent in encouraging such men. One other point he wished to mention in connection with the pay of the soldier. Lord Cardwell held out the attraction of 1*s.* a-day and free rations. In military parlance, however, rations only consisted of bread and meat; and in the Guards, 3*d.* a-day was deducted from the 1*s.* for groceries and vegetables. It was not too much to expect that the country should give its soldiers food as well as lodging free. He also considered that three-quarters of a pound of meat was too little for a soldier. The fact was, that they received too much bread, much of which was wasted, and too little meat. In conclusion, let him say one word on the subject of conscription. Without advocating its adoption, he could not help agreeing with the noble Lord the Member for Haddingtonshire (Lord Elcho) and the hon. and gallant Member for Sunderland (Sir Henry Havelock), that they ought to recognize the principle that every man ought to serve for some period of his life in the Reserves, for until they did that, they would be unable to weld the component parts of the military system into one harmonious whole.

MR. A. H. BROWN said, he was sorry to see that so little progress had been made with the Brigade Depot system. No doubt, considerable difficulties had been experienced in their establishment, in consequence of the purchase of land and from other causes, but he hoped they would be overcome. Until these Brigade Depôts were formed, it would be impossible to form a correct opinion of the value of the Brigade system. The Brigades would in their turn test the value of the present system of recruiting, and hence it was doubly valuable to ascertain the real results of the system. The right hon. Gentleman had given an interesting description of his visit to Aldershot. Would he state, for the information of the Committee, whether the recruits in some regiments whom he found not so satisfactory as some others were recruited at the Brigade centres? If, as had been asserted, our recruits were deteriorating, it was high time that a method was discovered

to put an end to the declension. With regard to the Reserves, he hoped that in any system that was adopted the Reserves would be made from men who had served under the colours. As he had last year the honour of sitting on a Committee respecting the subject, he should be glad to know whether any agreement had been arrived at on the part of the heads of the various Government Departments, in order to prevent undue competition between them in the purchase of stores. Passing to the Volunteers, his belief was, that all that they wanted was officers. There was a disinclination on the part of young men to come forward to serve as officers, and the consequence was the full benefit was not got out of the force. He thought that if the Warrants and Regulations on the subject were revised, much good would be done. The service would be rendered more popular, without any loss to its efficiency. As to the whole subject of recruiting for the Army, it was at present in a very exceptional position, because wages in the labour market were higher than perhaps they had ever been before. But the moment there was danger and the trade of the country was affected, wages would go down, and the number of recruits would increase, and they would be better recruits both in physique and height. He believed that voluntary enlistment was best and cheapest in the long run, and he hoped that no attempt would be made to introduce conscription or the ballot for the Militia—a system that would break down through the odium it would excite.

CAPTAIN CORRY said, he was of opinion that they would soon get a better class of young men as recruits than they had got for some time past. Young fellows entering the service at 18 years of age had been criticized as not developed; but it should be borne in mind that a young man of 18 had two years more to grow, in which his physique was developed. Besides that, lads of 18 were more amenable to discipline, took better to their profession, and turned out better non-commissioned officers than older recruits did. That remark, however, applied more strongly to the system of enlistment for 18 or 20 years than to the present short service. He was more or less alarmed at the state of the Militia, and should be sorry to see anything done that was likely to lessen

its numbers, for it was principally composed of the ablest bodied men in the country—the agricultural labourers. It comprised only 103,000 men, of whom 25,000 belonged to the Militia Reserve, thus reducing it to 78,000—a strength totally inadequate for the defence of the country. At present, 7 per cent of the men in the Army were allowed to be married. They were a great incubus on every regiment on its moving, and they thought more of their wives and families than of their duty. As for the men married without leave, their difficulties were greater than those of the men married with leave, as the former did not enjoy the allowances which were made to the latter class. If, however, the number of married men in our Army were increased, and if they were allowed to go to their Brigade Depôts, being put on the supernumerary lists of their regiments and attached to the Militia, the Army would become greatly more popular. They would be ready to come forward when occasion required, and would be of great service. Then, if we wanted to get men of good physique and good character, we must raise their pay. Our non-commissioned officers ought to be better paid than they were, their present pay being really lower than that of any other official servants of this country. When it was found that a Staff sergeant was paid rather less than a London labourer, it was obvious there must be something wrong. He considered it of more importance to increase their pay and improve their condition in barracks than to give increased pensions. He thought conscription would be most unpopular, and most prejudicial to the good of the Army. In England, conscription meant universal liability to service. This might lead to a demand for universal suffrage, for men might argue that they ought not to be asked to serve unless they had a voice in the matter.

MR. J. HOLMS said, he thought the general effect of the speech of the right hon. Gentleman the Secretary of State for War was to show to the Committee and the country that on the whole the present condition of the Army was not unsatisfactory, and that if the organization scheme of 1871 were allowed to go on for two or three years longer, the country would be satisfied with the result. At the same time, he thought he

Mr. A. H. Brown

detected in the right hon. Gentleman's remarks an occasional gleam of hope by something like a hint that by-and-by the re-organization scheme of 1871-2 would be thrown aside; and he thought it would be appropriate to recall for a moment the circumstances which led to the adoption of that scheme. In 1870 this country and Europe in general were startled by finding Prussia to be a military Power so great that she could send not only thousands and tens of thousands, but hundreds of thousands of soldiers from the centre of her own into an enemy's country within a couple of weeks. These soldiers were highly trained and of great individual intelligence. Moreover, they were men, not boys—none of them under 20, or, with the exception of the non-commissioned officers, over 32; and the organization of their Army seemed as perfect as it was possible for human intelligence to make it. Well, the cost of that army, including even the fortifications, was only £10,500,000 a-year, whereas our own small Army, incapable of expansion, and in numbers equal to only about an eighth part of that of Prussia, cost about £3,000,000 more. Alarmed at the strength of Prussia, it was resolved to vote an addition of 20,000 men to our Army? What was the result. We got 20,000 of the sweepings of the streets. [Lord Elcho: That was in five months.] In five months, as the noble Lord had said. It was found at the time to which he was referring that the Army was composed in a great measure of boys and of men over 35; and that its general condition as regarded crime and immorality was something repugnant to the people. Moreover, dissatisfaction was so rife that it was almost impossible to hold the Army together. Under the conviction that it was necessary above all things to obtain a better class of men, the re-organization scheme of 1871-2 was adopted. What was the change which had been effected? Why that, practically, our Army was dearer now than it was in 1870, costing as it did over £13,400,000. He would not trouble the House with details as to crime and immorality, but he thought it could be shown they had considerably increased. The two great touch-stones he would apply had reference to the outgoing and incoming of the men. As regarded the outgoing great dissatisfaction was shown

to exist. He would ask did we find dissatisfaction in the ranks of the 43,000 police, or in the Civil Service, or in the Post Office, or in private institutions? He found very little of the kind. In the desire that was shown to desert, the Army was totally unlike any other service or occupation in the country. Leaving it by purchase—the legitimate way—had been facilitated, and the number so leaving it had increased; and, under these circumstances, it might naturally be expected that the number who left in an illegitimate way would diminish, but the contrary had been the fact. In 1870 as many as 4,480 men were advertised for as having deserted, and seven out of every ten of them succeeded in getting clear away. The country was willing to spend a large sum of money to remove that blot. Well, had things improved under the new system? No, for last year, on the contrary, no less than 6,904 were advertised for as deserters, and 5,572 of them were never apprehended. If things went on in that way, all that a soldier would have to do a few years hence when wanting to leave the Army, would be to salute at the barrack gate and walk out. If one point more than another was to be marked in the Armies of Europe, it was the increase in the Artillery. Their Army was improving in that particular; but while the numbers were increasing, the desertions were increasing also. The Artillery formed 19 per cent of their Army, yet last year its percentage of desertions was 30, and therefore they were losing their artillerymen, who were the most difficult to train, faster than any other class of men in the service. In 1870, 8,200 men were advertized for as deserters from the Army and Militia; but in 1874 between the Militia and the Regulars 17,400 men were advertized for as deserters. Clearly, it was impossible to carry on a proper system of discipline under such circumstances. The men were beginning to see they could do pretty much as they chose with the authorities, and they were practically making fun of the War Department. Men enlisted in the Militia from which they immediately deserted and sold their kits, and then re-enlisted in the Regular Army, from which they speedily deserted to enlist and desert again. Such a fact was most humiliating to a great country like this, and it was

really astounding to think that, looking at the desertion of the past few years, there must be, at least, some 20,000 or 30,000 men running up and down the country amusing themselves at the expense of the authorities. Strong comments were made in 1870 upon the large proportion of officers to men in our Army as compared with that of Prussia, there being then 6,645 officers to 128,400 men, whereas in the present year we had 7,076 officers to 122,200 men—that was to say we had 429 officers more and 6,200 men less. Turning to the results of our recruiting, he found that in 1873 Lord Cardwell stated that 23,000 men were required to keep up the strength of the Army and to give us a sufficient Reserve; and that in March, 1871, Captain Vivian, who was the then Financial Secretary to the War Office, stated in the House of Commons that we should require 32,449 men to keep up those branches of the service when the scheme had come into full operation. But what were the facts? in 1871 we obtained 23,500 recruits; in 1872, 17,800; in 1873, 17,300; and last year, 20,640, a number that appeared to have rejoiced the heart of the War Department. We were, therefore, considerably behindhand in our number of men. Let any one ask for a reduction to be made in the number of the men in the Army, and the War Department would flutter its wings like a hen over her chickens, and declare that it could not do with one less than it demanded. The Department had, however, permitted the numbers of the Army to go gently down. It had been stated that the increase of the 3,400 men in the number of the recruits this year was owing to the fact that 33 out of the 70 Brigade Depôts had been established, but in his opinion the establishment of those 33 Brigade Depôts had not secured 33 additional men for the Army. The increase in the number of recruits was owing to the fact that last year the trade of the country was a little depressed, and in all probability, if trade did not improve, the number of recruits obtained during the present year would be greater still. But was that a sound principle to go on, that the number of our recruits was to depend entirely upon the depression of trade? Dealing with the question of the Reserve, he would remind the Committee that in introducing his scheme, Lord Cardwell

had declared that the system of Reserves he proposed would result at once in economy and efficiency, and in 1872 he stated that the Reserve, which was then 7,000, was to be raised to 10,000. But the right hon. Gentleman the Secretary of State for War had told them that evening that after all the expenditure that had been incurred, and after three years' additional trial of the system, that our Reserve force consisted of 7,829 men only. With such a result as that, it was a dismal mockery to talk about our waiting to see what such a system would bring about in the course of time. He affirmed that that system was the most utter failure that had been known in modern days. With reference to the subject of conscription, he contended that it was utterly unnecessary to resort to such a means of filling our ranks. The fact was, that we were the most military nation in Europe, and there really was no difficulty in getting the men; it was the want of system in dealing with them that did the mischief. We obtained 50,000 recruits last year between the Militia and the Regulars, and therefore we were getting too many men, if the War Department knew how to keep them when they had got them. At the present moment they were getting 150 men a-day, and were losing them at the rate of 50 a-day—could anything be more absurd? In 1871 he had advocated the establishment of a Running Away Department in the War Office, and now the right hon. Gentleman might think it was worth while to establish such a branch in the War Office. Passing to the consideration of the quality of the recruits we were getting, he wished he could place 25 of the recruits who daily passed into the Army, as a sample for the Committee to look at, in Westminster Hall, and could station behind them 25 of the police, for the Committee to compare with them—a glance would be sufficient, because it would be evident to all that each policeman could catch up one of the recruits under each arm and could run with their burdens up to Charing Cross. The fact was, they were taking mere boys into the Army, when they might get men equal to the British police, who would become a Reserve on which they might rely in time of need. He could not take hon. Members to look at recruits in Westminster Hall, but he would refer them to the Report of the

Mr. J. Holms

Inspector General of Recruiting. With respect to the Infantry, the Inspector General said that the chief ground of objection was on the score of youth and want of physical strength; but he added that, under the influence of good feeding and regular habits, the lads would grow up into good soldiers. Still, he said, the complaint was a serious one. No doubt, it was, but as to regular habits they had acquired them—that was to say, they were regularly in the habit of running away. There could be no greater mistake than that of enlisting mere youths; for they were at the very outset put to the heaviest work that would be required of them, and that was one reason of their disappearing. With respect to the Engineers, the Inspector General pointed out the difficulty of obtaining artisans and mechanics to join, a difficulty which did not exist some years since, resulting in the fact that they were obliged to take men whom they would formerly have refused; and in reference to the Artillery, he said it was very hard to obtain men of sufficient stature and strength. The same Report admitted there could be but little doubt that the system of fraudulent enlistment was on the increase, and had become a regular trade among a certain class. It was, therefore, idle to speak of our recruiting being in a satisfactory state, for they were not getting the right class of men into the Army, and it was but poor statesmanship not to listen to the inexorable logic of facts. Of this, he was convinced, that the longer the re-organization of the Army upon sound principles was delayed, the more bitter would be the disappointment in the end. He therefore trusted that before long they would have an opportunity of discussing what was the cause of the present state of things, and what were the remedies to be applied. He was of opinion that both sides of the House were responsible for the existing condition of affairs; and he thought the more suggestions they could get, the better it would be for the right hon. Gentleman the Secretary for War if he were about to introduce a new scheme.

GENERAL SHUTE congratulated the right hon. Gentleman the Secretary of State for War on the moderation he had shown, for the conciliatory terms in which he had introduced these Estimates, and for stating that he proposed to give

the scheme of his Predecessor a fair trial. The right hon. Gentleman's task had been a difficult one, owing to the chaos which prevailed, from the fact that a great deal had been pulled down, and very little had been built up. With respect to recruits he fully agreed with the hon. Gentleman who had just sat down (Mr. J. Holms),* that if they were to have short service, they must not enlist boys. The thing was absurd. They must have men, not boys—they must have bone, not gristle. When they had long service, they could enlist boys, because there was always a proportion of old soldiers fit for the field; at the same time, he admitted there was little reason to find fault with their recruits in the Guards and Cavalry. With respect to the *dépôt centre* system, he felt satisfied that linked battalions never could answer, because recruits generally had a special inclination for one particular regiment, and in that only would they enlist; while, as regarded the service, more men enlisted with the object of going abroad than of staying at home, but all liked to know whether they were really enlisting to serve in the first instance at home or abroad, which this system rendered uncertain. As to pay, he was not for increasing the pay of the young soldier. Men were quite ready to begin on a little, if they had something to look forward to. He, however, would be inclined to double good-service pay, which would induce men to stay in the Army, making a portion of it Reserve pay. He also thought, in respect to non-commissioned officers, that lance-sergeants and lance-corporals ought to have additional pay, and that every three years a sergeant, if he was a good sergeant, should have some slight increase to his pay. Further, he would suggest that the men upon being enlisted should receive a thoroughly free ration, and upon going on furlough should be allowed ration money, full pay during their absence, and a warrant to convey them home and back again to their regiments. At present the men arrived among their families as paupers, and were obliged to be treated by their friends, and instead of being examples of the pecuniary and other advantages of the military service, they were peculiarly the reverse. He had now to speak of pensions, of which he was a great advocate, for he thought that every man who had

ever been a soldier should have a pension of some sort or kind. And here he would say that the idea he was going to express was not his own, but was borrowed from the writer of one of the sixty-nine prize essays on Enlistment which, as one of the appointed judges, he had lately read. He would not have any man of 65 years who had served in the Army go without a pension, and he would make a reduction from that age according to the time the man had served. If he had served five years the pension should begin when he was 60 years of age; if he had served 10 years, it should commence when he was 55 years of age; for there was not anything which had a more discouraging effect upon enlistment in their villages and towns, than to see men who had served their country well and gallantly compelled in their old age to go into a poorhouse. There was in the Army a fault which was not generally known, but which, if not checked, would make itself known in a disagreeable way. There was in the Army a great deal of petty insubordination, which was not treated with the severity it deserved. With respect to desertion, he regretted it was a thing looked upon with sympathy by the population, because they looked upon it as only a military crime, whereas it was in reality a civil crime, and ought to be dealt with by civil, conjointly with military, tribunals. When a man deserted he committed a gross fraud on the taxpayers, and it was for that fraud he ought to be tried and punished. He would empower the police to bring a deserter before the magistrates in Petty Sessions, who should commit him for trial at the Assizes or Quarter Sessions. If that course were taken, there would be much less sympathy, and, though it was originally his own idea, he believed it was now so treated in America with good effect. There was another matter which he wished to see well considered. There were in the patronage of the public Departments about 100,000 minor appointments, and the Earl of Derby had stated last year at the United Service Institution, that there were only about 10,000 of them which required to be filled by men of special aptitude or education; all that was required to qualify a man for any of the others being habits of obedience and order. These situations he should

like to see more frequently bestowed on discharged soldiers. Were he to move for a Return of the number of messengers employed in the Horse Guards and the War Office, and the number of gatekeepers to the Parks, with a statement of their antecedents, the House would be surprised to find how few of them had been soldiers. He was glad to hear the right hon. Gentleman was about to do something for the non-commissioned officers, and therefore he would not take up the time of the House in speaking on that part of the question. With regard to the Cavalry, he was extremely sorry it had not been augmented. Every nation admitted that they could not extemporize Cavalry, and he should like to have seen our force augmented in order that it might be ready for service at any moment. There were nine regiments which, were he a sailor, he might call advanced regiments, and these could not turn out more than 340 horses. There were 10 other regiments, and they could only turn out from 270 to 280 horses each. If each of nine regiments first for service had added to it every available man and horse of one of the 10 weaker regiments, it would only then just be made up to a sufficient strength to embark for war service. He would also suggest that every Cavalry regiment should have a reserve troop for the recruits and young horses. The drill sergeants should also be attached to the troop, from which all the service troops should receive their formed men and horses. Everything about a Cavalry regiment should be organized in peace as it would be in war, and he believed that the reserve troop could be formed at a small expense. He was sorry it should go forth to the country that there was the least difficulty in non-commissioned officers and soldiers exchanging into different regiments; but, as a rule, transfers only, which were frequent, were necessary, as regiments were seldom complete in men. Having been challenged to produce such cases, he could say that he had known of several exchanges which had been effected with the consent of the commanding officers of the two regiments, and he now held in his hand a memorandum lately given him by a captain late of the King's Dragoon Guards, of two exchanges which had taken place between men of that regiment and two of the 12th Lancers,

General Shute

£5 having in one of these instances been paid for the exchange. In some respects the non-commissioned officers and men were more favoured than the officers. The former were not sent to India until they were 20 years of age, while he (General Shute) was unexpectedly sent out at 19. They were never sent to India after 18 years' service, while he was sent out after 24 years' service, at the shortest possible notice.

MR. CAMPBELL - BANNERMAN desired to offer a few words on the subject of recruiting and desertion. The air had been full of sinister rumours on the matter for some time past; but he thought the Committee would consider that the opinion expressed by the Inspector General of Recruiting was sufficient to put aside the most virulent of those rumours. It must be remembered that the Inspector General of Recruiting was an exceedingly responsible officer, and he (Mr. Campbell-Bannerman) could express no sympathy with those officers in the Army, or those persons outside of it, who ventured to insinuate that the Inspector General cooked his Report to suit the views of the heads of the War Office. The present holder of the office of Inspector General was appointed to that office when he was very slightly, if at all, known to the late Secretary of State for War, and nothing was certainly known of his views on vexed questions connected with the Army. All that was known was, that he was not a political partizan of the late Government. He could not, therefore, be accused of partiality; and, in the two Reports he had furnished to the House, he had given, on the whole, a satisfactory account, not only of the numbers, but of the quality of the recruits who had joined the Army. The House ought not lightly to set aside views so expressed. But they had now the means of checking any statements that were made as to the character of the Army. The new "General Annual Return" of the Army, which he held in his hand, afforded them the means of comparing the condition of the Army with what it was as far back as 1861. Now, the first thing he would venture to point to in this Return had already been alluded to; but it was so important that he thought it right again to call attention to it—he meant the number of desertions. In 1861 the proportion of desertions to recruits was

41 per cent. In 1862 it fell to 32 per cent, and a gradual diminution then took place until 1870, when the percentage was 12. During the last two years, indeed, it had risen to be 33. But this was still much lower than the proportion in 1861, and, as had been already pointed out in the discussions on this subject, not only were wages very high in the country during those two years—a fact which of itself would go far to account for an increase in the rate of desertions—but our experience showed that when there was a sudden increase of the Army and large numbers joined it, there followed, after an interval, a corresponding increase in desertions. Now there had been such an influx in 1870, and it was followed by an efflux in 1872-3. Allowing for this, the figures compared well with 1861. Again, the number of courts-martial had greatly decreased. In 1865 they were at the rate of 109 per 1,000 men; in 1868, 144 per 1,000; while in 1871, 1872, and 1873 they were respectively 81, 78, and 76, and this, let it be remarked, notwithstanding the abolition of flogging. There was also a steady increase in the number of good conduct badges, and a marked educational improvement. All these facts showed that the character of the men who entered the Army was nothing like so bad as it was represented to be—that, indeed, it was good—and that the "boys"—or "children," as they had been called to-night—who joined as recruits turned into steady and respectable men. As regarded numbers, his hon. Friend the Member for Hackney (Mr. Holms) had referred to figures given by Mr. Vivian some years ago, when he estimated that 32,000 recruits would be required annually when short service came into operation. But at that time Mr. Vivian contemplated short service being carried out to an extent that had not yet taken place, and it must be obvious to the Committee that the number of recruits required would increase or diminish according as they made the period of service with the colours shorter or longer. His hon. Friend had alluded to another fact in a way which required explanation. He said that owing to the number of deserters and the difficulty of recruiting, the establishment had been allowed to drop gradually, with a view to cover the deficiency, and he implied that this had been done surreptitiously,

and, as it were, behind the back of Parliament. The establishment of the Army had indeed been reduced, but not in the way suggested. It was done openly. The late Secretary of State, when moving the Estimates in 1873, stated to the House that, since the addition of 20,000 men during the German War in 1870—

“The British Establishment proper had been reduced by 8,989 men, the Colonial Establishment by 1,102, and that two Madras Regiments which were at that time voted on our Estimates, . . . numbering 1,760 men, have since been returned to India.”—[3 *Hansard*, ccxiv. 868.]

Similarly, every other change that had occurred in the establishment had been made with the full knowledge of Parliament. But in discussing the present state of things, they must not forget that it was a state of change; and when they made a change of system they could not help one system over-lapping the other, so that they had many of the disadvantages of both, without the full advantage of either; and due weight ought to be given to that consideration. The hon. Gentleman complained of the smallness of the Army Reserve, notwithstanding as he said, the expenditure of £3,500,000. But all the money was not yet expended, the machinery for recruiting was not yet fully set up, and they must wait until the first term of short service had expired before the Reserve could begin to assume its proper dimensions. Until that time, the Department having no power to transfer men to the Reserve against their will, the force consisted merely of those who had volunteered to enter it. The right hon. Gentleman (Mr. G. Hardy) had taunted the late Secretary for War (Lord Cardwell) with having failed to produce a scheme of promotion and retirement for the Army. Now it was impossible, he (Mr. Campbell-Bannerman) might almost say, for anyone to have worked out a proper scheme of promotion as long as Purchase affected the retirement of officers, and even now he considered that it would be a question of the greatest difficulty to deal with—the right hon. Gentleman or the Royal Commission would find it a most delicate problem to adjust promotion, so that the rate in the various branches of the service should be, from year to year, tolerably equal. He would be glad to see how, with the imperfect data which alone could now be obtained, the question

could be settled. The right hon. Gentleman had announced that he had put an end to the obnoxious name of Control, and he was very glad to hear it. The late Sir Henry Storks, whose name was much associated with the Control department, when a Member of that House, said he disliked the title; but the Control department was no work of the late Government; it was instituted by Lord Hampton under the Government of the right hon. Gentleman opposite. The right hon. Gentleman had spoken of the Brigade Depôts, and of what he would do, if he found the present state of things did not work satisfactorily. That, he (Mr. Campbell-Bannerman) thought, implied that they did not work well; but when the right hon. Gentleman came into power, only a small sum of money had been expended upon them, and, therefore, it would have been better for him to have held his hand, if he had contemplated altering the system, until he had reconsidered the matter. But the localization scheme was very carefully elaborated, before it was adopted, by a most able Committee, comprising, among others, General MacDougall, one of the first theoretical soldiers, and Sir Garnet Wolseley, one of the first practical soldiers of the day; it was their opinions that were acted upon, and he trusted that the right hon. Gentleman would not without very good reason infringe upon it. As regarded the Medical department, it had come, some time ago, to an absolute block, and it had been necessary to do something. A Committee reported in favour of the staff system as against the regimental, and he trusted that the right hon. Gentleman would give every weight to their reasons. He approved of the grant to the Intelligence department, and he presumed that the survey of England, of which the right hon. Gentleman spoke, was of the nature of a continuation of the survey of the South of England which had been for some years conducted by the Royal Engineers. He was also glad to see in the Estimates the item with regard to the Crimean graveyards. It was approved of last year; but there was some question when the late Government were leaving office, as to whether it should be a civil or military charge, and, in consequence, it dropped out of the Estimates. He was disappointed that the Report of the Committee, which the right hon.

Mr. Campbell-Bannerman

Gentleman said he had appointed on Recruiting had not been laid on the Table before the Estimates were discussed, because it would have thrown much-needed light on the subject. He approved increasing the pay of non-commissioned officers, as they were, perhaps, the most important elements in the whole military force, and it was most important that they should be well treated and thoroughly contented; but it was to be hoped that they would not, from what had been said, form too exalted ideas of what they were to expect. He also agreed, in the main, with the proposal of the right hon. Gentleman for an increased scale of retirement for adjutants. With regard to what fallen from his hon. and gallant Friend the Member for Ayrshire (Colonel Alexander), he did not last year find any fault with the Guards on account of their Stock Purse Fund; he only pointed out that it was managed by themselves, and he still thought that if the public once apprehended the fact that the Guards had a fund of their own, that they managed their own hospital arrangements and their own recruiting, and that the accounts received no regular audit, it would be impossible to maintain that system very long. He did not say there was any pecuniary loss to the country by the arrangement, which was being inquired into when the late Ministry left office. At all events, it was not the fault of the general recruiting system if good recruits were not got for the Guards, because the Guards obtained recruits for themselves; and he would venture to suggest that they might, perhaps, get a better class of men, if they were relieved of the irksome duty of watching public buildings, which could be much better watched by the police. The "free shilling," to which allusion had been made was not intended to be a shilling exclusive of all deductions, but a "round shilling," from which certain deductions were continued. He hoped the discussion would re-assure the public mind that there had been great exaggeration as to the condition of recruiting, and that the subject was not regarded with indifference by those who were responsible for the Army.

COLONEL EGERTON LEIGH said, their great object should be to get rid of rascals who were making money by enlisting, deserting, and re-enlisting.

That might be done by returning to the system of marking them—say, under the arm, or some place where, though unobserved by the public, it would be detected when they presented themselves after re-enlistment for examination by the doctor. He would suggest they should be marked by cupping, which was comparatively painless; and from personal experience he could say it would not hurt a baby, but was everlasting in its results, and which could not be tampered with, as branding with the letter "D" used to be, by adding "aniel," and "avid," and thus producing names in which many deserters tried to re-enlist without detection, but an army surgeon would be always suspicious if he found any mark or scar, and reject the recruit.

SIR HENRY HAVELOCK complimented the Secretary for War on the better arrangement of the tables in the Estimates, and the introduction of some new ones, and the honesty and frankness with which he avowed that he continued many operations on the lines laid down by his Predecessor. He wished to point out the difference between the state of the Army in 1870, when Lord Cardwell's reforms began, and in 1874, when Lord Cardwell was removed to another sphere. When Lord Cardwell took in hand the subject of our Reserves they numbered only from 4,000 to 5,000; they were now 35,000 at the least; and of them 30,000 were fit to be put into the ranks to-morrow. In 1870 our field Artillery numbered only 180 guns. When Lord Cardwell left the War Office it numbered 360 fit to go into the field. In 1870 our troops were scattered all over the world, but now we had 70 battalions at home. In Australia and Canada the policy of Lord Cardwell with reference to the military defence of our Colonies by the Colonies themselves had achieved great success. In fact, the right hon. Gentleman the Secretary for War had admitted that the system which Lord Cardwell had initiated was successful almost in a greater degree than he could have anticipated. But what was the condition now with regard to our Infantry? He did not wish to disparage unduly the state of the Army, nor to throw a slur upon ruby-coloured Report which had been made on the recruiting service; but those who were acquainted with the condition of soldiers

in this and in other countries must be aware that the securities we were resting on were merely a delusion, full 20 per cent of our Infantry troops not being fit for service. He had asked many officers of experience whether the men they were now getting were equal to those 20 years ago, and his reply was—"Nothing like them; they could not carry their arms, accoutrements, and knapsacks on the march, and we should have to leave many of them behind." It was a pity they had not before them the Report of the Recruiting Committee alluded to the other night, and also the Returns he had asked for, but which the right hon. Gentleman refused on, to him, the incomprehensible ground that they were Departmental or confidential. He wished the country to understand its real position, before they were awakened to it by some grave disaster. The failure of the attack on the Redan on the 8th September, 1855, was due to the fact that the ranks had been allowed to become so depleted that it was necessary to replenish them with young men of immature age, who, though they possessed the courage of their race, were not equal in *physique* to the service on which they were sent. He had accompanied the German Army on many of its marches in the War of 1870, and particularly on that march—the most disastrous to the French—which terminated in the capitulation of Sedan. The French Army had the start of the Germans by 72 hours; yet the Germans by superior marching were able to outstrip them, shut them in, and eventually force them to capitulate. This country had not fallen in *physique*. In every street and at every railway station we saw the men whom we wanted, but had not in our Army. The rise in the price of labour prevented us from getting them. It was supposed that a soldier was to get 1s. a-day clear, but he got only 8½d. clear. It would be a wise expenditure to give him 1s. a-day clear. Many penal remedies had been suggested to put an end to desertion. He (Sir Henry Havelock) believed the simple means of allowing 1s. a-day clear to a soldier, and putting 3d. of that into the bank for him at 3½ per cent interest, would attach him to the Army and cause desertion almost entirely to cease. In the Reserve a man received only 4d. a-day, and many persons would not employ men who were

in the Reserve. He would suggest that the pay should be increased to 8d. a-day. The charge would not be very great, and 2d. a-day might be put into the bank to the credit of each man, who would receive the accumulated amount when he returned to civil life. With respect to the Cavalry, which was deplorably deficient in numbers, and had no Reserve of horses, he suggested that we ought to adopt the system which had proved so effective in the armies of the Continent, where each regiment had in time of peace a fifth or *dépôt* squadron, available for increasing the fighting force in time of war, and keeping up a constant source of supply. He hated conscription as much as anyone, but he believed we were gradually tending to a system of more general training, which was not conscription, and which would give us much better results. One of the defects of our system was, that we had three branches of the service which were all more or less in competition with each other. He should like to see that competition stopped, and it was only a matter of organization. We were gradually coming to an emergency which, with our present means, we should not be able to cope with; and sooner or later we must adopt some modified form, not of universal service, but of universal training to arms in this country, a system which he believed would be popular, because it was really the only means by which we could ever be enabled to reduce our standing Army and our Army Estimates. It was a thing totally distinct from conscription, and the sooner we began to look it in the face the better. It was true we were at present in a state of profound peace; but, without desiring to create any alarm, he could not shut his eyes to the growing armaments of at last one great power—Russia—with which there was a possibility of our coming into collision. When her present organizations were completed, she would be able to put 2,000,000 men into the field, and her railway facilities had multiplied almost indefinitely since the Crimean War. He was not an alarmist; but as the boundary line between Russia and our territories in India was conterminous, that fact should be kept in mind. He trusted that what the Secretary of State for War had said about Brigade Depôts was not to be taken as an indication that he in

Sir Henry Havelock

any degree proposed to interfere with the existing system in that respect, believing, as he (Sir Henry Havelock) did, that these Brigade Depôts afforded the best machinery we could have for bringing the Army, the Militia, and the Volunteers into closer union. In conclusion, he declared that while he was an advocate for the principle of arbitration, not from fear, but from a thorough love of the principle, he held it to be highly necessary that our military force should be complete in, at least, its organization, and thus in the power of largely increasing its numbers in case of necessity.

COLONEL MURE said, that the hon. and gallant Gentleman who had just spoken had said that the cause of their failure in getting recruits was because of the labour market, and not Army organization. It seemed to him (Colonel Mure) that it was efficient organization which was required to cope with the labour market, and the object they ought to have in view was an organization suited to voluntary enlistment in a commercial country. A commercial country was always liable to the labour market being high or low, and if they had a defective organization they could not cope with it. Now, although the existing organization was devised by the Party to which he belonged, he had no hesitation in saying that it was defective, and that it was breaking down every day. He gave the right hon. Gentleman at the head of the War Department every credit for the earnestness with which he had applied himself to the duties of his office; but, as the present Government had only been in office for one year, he thought it would be extremely impolitic if they were too suddenly to upset a system, although it might be defective, unless it could be clearly shown to be injurious. If there was any hon. Gentleman in that House who looked upon the officers of the British Army with respect and esteem, it was himself, and it was with the greatest pain that he found that sometimes they were spoken of in sneering terms in the course of debates in that House. ["No, no!"] It had invariably been the case, as far as his experience went, when officers' grievances were under consideration. It was, therefore, with pleasure that he had heard his hon. Friend the Member for the Border Burghs (Mr.

Trevelyan), in a generous spirit, the other night withdraw certain expressions regarding the affairs of the Army which he had used in the heat of debate. But he could not help observing that those officers who were within the pale of selection were afraid to speak out their real opinions with reference to the Infantry of the Line for fear of the consequences. Moreover, from force of habit, officers, particularly those who never had seen German troops, had not perceived the gradual deterioration, and had accustomed themselves to a lower standard of soldier—like a young man who, in early life married a young and beautiful bride, as time passed, did not remark that she was gradually changing. His friends remarked that she became older, and was losing her beauty, but he remained perfectly satisfied, and, perhaps, laid her in the grave, or parted with her on his death-bed, still honestly thinking she was the beautiful girl of 18 he married 50 years ago. So the officers did not like to acknowledge that the recruits were worse than formerly. They did not like to speak out from an *esprit de corps*; but also—and this was a grave and sad fact—because they were apprehensive that if their statements came to the ears of the Commander-in-Chief, their prospects might be injuriously affected. He had put the question to four different officers of high standing whether it was not really the case that they were afraid to speak frankly for fear of incurring displeasure, and, as it was called, being blackballed at the Horse Guards or War Office, and the answer had been uniformly in the affirmative. He had, moreover, received letters from about a dozen officers, five commanding battalions, and the remainder officers of high reputation and character, actually in the service, all of whom spoke in melancholy terms of the Infantry. One stated that the recruits were all boys calling themselves 18, but in reality under 16. The next described the physical and moral qualities of the recruits as being of a low standard, while a third letter stated that they were enlisted from the lower strata of the population, and that when a recruit first joined the service he was unable to handle his rifle from sheer weakness. The writer of another letter pointed out that while formerly they recruited strong hard-drinking fellows, now they got nothing but feeble hard-drinking lads.

Another officer of the highest distinction gave it as his opinion that one-third of the present recruits would never be fit for soldiers, while a fifth said they were of very inferior quality compared with the Prussian soldier. What they should remember was that they would not always be called on to fight the Ashantees or Abyssinians. The fact was, while the armies of other European countries were improving in *physique* we were deteriorating, and yet it was by other European armies that we ought to fix our standard. Formerly, when he was in the Army, they recruited principally from the agricultural classes, and especially from the agricultural classes in Ireland. The recruits were often half starved and badly clothed; but they came of honest fathers and virtuous mothers. They had been brought up in fresh air, and they made excellent soldiers. They did not obtain the same class of men in the Army now. They obtained the scum of our large cities, sons of infirm parents—youths brought up in the haunts of vice and crime, who had breathed foul air from the cradle, and who were morally and physically inferior to those obtained from the agricultural districts. The House might recollect the description of the "Casual," in *The Pall Mall Gazette* some years ago. The hon. Baronet (Sir Henry Havelock) recollected what an Army went out from this country to the Crimea! It was drawn from the labouring population, and not from the sweepings of the towns. But by degrees, after the Alma and Inkerman and the work of the trenches, that generation passed away and was replaced by hastily recruited boys from the lowest haunts of disease and vice of our cities. The hon. Baronet might remember the 8th of September, that miserable day, when the same Divisions, but with the men changed, were ordered to attack the Redan. The officers behaved as British officers always did and always would do. The non-commissioned officers and a few of the old privates, who had survived their comrades, went forward with their officers into the traverses of the Redan. The miserable recruits, they also darted forward and ran to the parapet of the Redan, but there they lay down four deep in the trenches, firing wildly in the air, and at last were stamped to death by the more mature Infantry of an

Colonel Mure

inferior race. He appealed to the hon. Baronet below him whether, since the Crimean War, there had not been a deterioration in our Army; and, also, whether in the Indian Mutiny the regiments which had suffered much in the Crimea, and had been hastily recruited with youths, chiefly from our crowded towns, had shown the same endurance and vigour which were the ordinary characteristics of mature British soldiers. His hon. Friend knew that they had not. Now, we might have a good Artillery and a good Cavalry, but if we had not an Infantry upon which we could depend, we might as well save the money which the country was now spending on them. The right hon. Gentleman himself had admitted that a considerable proportion of the recruits were inferior lads, and it had been proposed by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) to strike 20,000 men off the list. He (Colonel Mure) thought that this might be done with advantage, if they went over the various regiments and dismissed those who were so inferior in *physique* as to make it improbable that they would ever be good soldiers. A vast number were perfectly useless, and it would strengthen instead of weaken the Army to cut them off. By stereotyping the numbers of our Army we were in reality preserving useless creatures, who would cost the country an immense sum of money, because on service, numbers of men would break down in the line of march; numbers would fill our hospitals; and a considerable number of good soldiers would be required to look after them. The reason why Lord Cardwell's scheme had broken down was, that it assumed we should get recruits of 18, whereas they were between 16 and 17—even under 16. They were kept two years, and then, believing them to be 20, we sent them to India, contrary to the opinion and advice of our medical men. Our recruiting system was abominable—a positive cruelty. The recruit was a wretched lad, between 16 and 17, who enlisted because he was starving; the recruiting sergeant whispered—"Say you are 18," and got his bonus, and by the time the recruit was 18 or 19 he was sent off to India. Major General Taylor was a most honourable man, but his Report on Recruiting was most illogical. It was founded on honest evidence, but being himself both judge and jury, he

had decided wrongly, and had drawn the wrong conclusion, and brought in a verdict contrary to the evidence. The Report had been quoted as most satisfactory and encouraging; but it was, in fact, the most unsatisfactory Report which had been drawn up for the last six years. Speaking of the Brigade of Guards the Report stated that the class of recruits recently obtained was satisfactory; but it was afterwards admitted that they were scarcely of the proper stature and very deficient in numbers. What did the word "satisfactory" mean? The recruits for the Royal Artillery were also described as fairly good; but it was admitted that they were scarcely sufficient in physical development for the duties they had to perform, and this the Major General called "fairly good!" Then as to the Infantry of the Line, it was said in a large majority of regiments the quality was satisfactory; but the Report went on to say a small proportion were very good, but, in many instances, complaint was made that they were far from satisfactory. Was that satisfactory? It was strange that, in the face of such a Report, the right hon. Gentleman came to the conclusion that recruiting was going on satisfactorily. There was a gross deception in the system of chest measurement, and the test of vision had been reduced. It was usual to measure the chest below the scapulæ or shoulder blades; but in the Army it was now the practice to ask recruits to hold up their arms, to pass the tape close under the arm-pit, and then to lower the arms and measure the chest, with the tape passing over the shoulder blades. That method was most deceptive, as most recruits—and, particularly, weak youths—had prominent scapulæ, and between the scapulæ there was a deep hollow, analogous to the "kick" of a champagne bottle. That was no test of the power of heart and lungs, nor was it the original intention; it had gradually crept in, in order to meet the difficulties of obtaining recruits. In this way an advantage was sometimes given to a weedy man, who came out with a magnificent chest, whereas, if he were measured properly, he would have none at all. Formerly the sight of recruits used to be tested at a distance of 15 paces, but two or three years ago the distance was reduced to 10 paces. If we had to fight foreign nations, let us recognize our foe; let

us not go by numbers only; for if we did we should incur expense and disaster. Much had been said of officers' grievances; but what grievance could be greater than that of leading lads recruited from the slums of our towns, who would succumb to fatigue on the march, and require the help of their stronger comrades? How disappointing it would be to find that they were not able to advance when the time for action arrived, or that they would not follow when their officers were ready to lead them on.

MR. GATHORNE HARDY said, he would assure the hon. and gallant Member, that if some of the statements he had made were correct, they were contrary to information received at the War Office; but he should consider it his duty to institute a careful inquiry, particularly as to what had been said about chest measurement and the testing of vision. [Colonel MURE hoped no inquiry would be made as to who his informants were.] What he proposed to inquire was, whether there was any ground for representing the *physique* of the Army as of such a low standard. It would indeed be a very serious thing if the examinations of vision and measurement were of so superficial a character as had been represented. But when the hon. and gallant Colonel told the Committee of the wretched and miserable class of recruits that were obtained, he would ask him to settle some of his accounts with the hon. and gallant Baronet (Sir Henry Havelock) below him, who had come forward with a eulogy upon Lord Cardwell, who he (Mr. G. Hardy) wished most emphatically to observe had not been attacked by him. The hon. and gallant Baronet had complained that some one had spoken of skeleton regiments, but he himself had indulged to his heart's content in the same line of remark, for he stated that 20 per cent of them were at the present moment a delusion. The hon. and gallant Baronet also expressed himself as very much opposed to conscription; but when he proposed that every man when he reached the age of 21 should be balloted for and serve four years in the Militia, he was advocating what the country would scarcely, he thought, be disposed to look upon as voluntary service.

SIR HENRY HAVELOCK asked whether he might be allowed to explain?

THE CHAIRMAN said, the hon. Baronet was in Order if he thought that anything he had said had been misrepresented; otherwise, it would perhaps be more convenient to follow the usual course, and defer his explanations until the right hon. Gentleman had concluded.

MR. GATHORNE HARDY said, he was very far from wishing to misrepresent the hon. Baronet; but the words in his letter were to the effect that every Englishman, without exception of caste, should be liable to the ballot at 21 years of age. He thought that was hardly misrepresentation. Much, he might add, had been said in the course of the discussion as to the inferiority of our recruits, especially by the hon. and gallant Gentleman who had just sat down, but no one had pointed out how a better class of men were to be obtained. He had heard, too, a proposition made which he thought would frighten his right hon. Friend the Chancellor of the Exchequer, with respect to the increase of the rations of the soldier which would add £500,000 to the Estimates if it were acted upon. But it should be borne in mind that the Army Estimates were already very large, and that it was his duty to keep as far as possible within those Estimates, although he, at the same time, should, if he found they were not large enough to make the Army efficient, have no hesitation in coming down to ask the House to vote such sums as would enable him to effect that object. The hon. and gallant Gentleman had further said it was a sin and a shame to send thousands of our troops to be destroyed in India, but he found that the rate of mortality was only 13 per 1,000, which was really a low rate considering the climate. The Medical department reported that there was no greater influx into the hospitals than there was in former days, and if those men were so wholly unfit for service as had been represented, surely the hospitals would be full and the deaths much more numerous. The hon. and gallant Gentleman said we used to have so many Irish recruits. The great reduction of the population, and the better condition and payment of the working classes in Ireland had tended to deprive us of them in the Army. Did they suppose when those men were more prosperous that they could tempt them away from their country as easily as when they

were starving? And in England they must have regard to the change of circumstances. There was a gradual migration of the population from the country to the towns. Therefore, in regard to England, it was a serious question whether many of the depôts were placed in the right locality for recruiting purposes. In one case some of the worst specimens of recruits that he saw, all came from a particular Brigade Depôt, and he was informed that in character also they were by no means good. But in many of the recruiting places the recruits were unexceptionable. When he visited Aldershot his sole object was to get at the facts, and he believed that the officers had really told him the facts. They had only received warning the day before, and no preparation was made. He spoke freely to the officers, and there was no check upon conversation. His only object was to get at the facts, and he should certainly not have thought ill of any officer who gave him any representation he thought it his duty to make. Although some expressed regret that the men were not better, the great majority said that while the men were weakly at first, they became strong in five months or a year, or, at the outside, two years. He was not there to gild deformities, and he had told the accurate truth with regard to the Army. He did not admit the figures of the hon. Member for Hackney (Mr. J. Holms) with respect to desertions. The desertions for 1874 were given at 5,572, but if the hon. Member would look further he would see that 2,052 joined from desertion, so that the amount was much reduced. [Mr. J. HOLMS: Does not the 2,052 refer to the previous year's desertions?] It might include some; but he was showing that a certain number came back, and those who joined from desertion went on the strength of the Army. The hon. Member further said they wanted nothing but common sense and organization. He could not help thinking of a noble Lord who spoke from a hustings near Reading, and as he was getting on rather badly, some one in the crowd called out—"Why don't you do it better?" He said—"I wish you would come up here and try yourself!" They had every desire to bring the Army into a perfect and efficient state, but he hoped the hon. Gentleman would show them a little more consideration, and

allow them time to think over the statements which had been made and to make inquiry. In conclusion, he hoped the Committee would allow the Vote to pass.

Vote agreed to.

(2.) £4,543,000, Pay and Allowances, &c. of Land Forces.

CAPTAIN NOLAN complained that although when the Staff College was established, it was the intention to require, as a general rule, that officers appointed to the Staff should have gone through a special training, yet, as a matter of fact, that qualification was insisted upon with reference to only about a sixth of the officers.

Mr. GATHORNE HARDY replied that it had never been intended to appoint none but officers who had passed through the Staff College. The importance of that qualification, however, was fully recognized, and, in point of fact, a considerable number of the appointments was reserved exclusively for these officers. They had at the same time an equal chance with other officers of obtaining the appointments not so reserved.

Mr. CAMPBELL - BANNERMAN said, that the system aimed at was an examination of Staff officers of the nature of a University examination, which should be the threshold to Staff appointment, without being exclusively connected with the Staff College. He hoped that the Secretary of State would inquire into the matter referred to by the hon. and gallant Member for Galway, as he thought there was a mistake in the present regulations.

Vote agreed to.

House resumed.

Resolutions to be reported *To-morrow* ;
Committee to sit again upon *Wednesday*.

BOSTON ELECTION.

Resolved, That an humble Address be presented to Her Majesty, as followeth:—

“Most Gracious Sovereign,

“We, Your Majesty’s most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty that Sir William Robert Grove, knight, one of the Justices of the Court of Common Pleas at Westminster, and one of the Judges selected for the trial of Election Petitions, pursuant to “The Parlia-

mentary Elections Act, 1868,” has reported to the House of Commons that there is reason to believe that corrupt practices extensively prevailed at the last Election for the Borough of Boston:

“We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made, pursuant to the provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, “An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,” by the appointment of Æneas John M’Intyre, esquire, one of Her Majesty’s Counsel, Wyndham Slade, esquire, barrister at law, and Douglas Straight, esquire, barrister at law, as Commissioners, for the purpose of making inquiry into the existence of such corrupt practices.”

Ordered, That the said Address be communicated to The Lords, and their concurrence desired thereto.—(*Mr. Attorney General.*)

House adjourned at a quarter
after One o’clock.

HOUSE OF LORDS,

Tuesday, 9th March, 1875.

MINUTES.] — PUBLIC BILLS — *Committee* —
Increase of the Episcopate (8-35).
Committee—Report—Police Magistrates, Metro-
polis (Salaries) * (31).

INCREASE OF THE EPISCOPATE BILL.

(*The Lord Lyttelton.*)

(NOS. 8-35.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, “That the House do now resolve itself into a Committee.”—(*The Lord Lyttelton.*)

LORD HOUGHTON rose to move an Amendment that the Bill be referred to a Select Committee. The noble Lord (who was very imperfectly heard) was understood to express his regret that he should feel bound to take this course with a Bill brought in by his noble Friend (Lord Lyttelton) who paid so much attention to the subject, and who combined so much industry with the highest possible knowledge. If he could see his way to avoiding the course which he now proposed he would gladly do so; but he did not see that it was at all possible that the Bill could be so amended in Committee of the Whole House as to be made a workable measure, and there-

fore the best course was to refer it to a Select Committee, where the objections he had to its details could be better considered. The first objection he had to the measure was that, as an Act of Parliament, it was permissive only; whether or not it would ever be put into operation at all would depend on the will of the Ecclesiastical Commissioners; but he was not aware that those distinguished Gentlemen had expressed any desire to put such a Bill into operation, and there was nothing to indicate how it could be put into action should the Commissioners decline to do so. It was to be left to their choice whether the Bill should ever be put in force in any single case. There was no way of bringing public opinion to bear on the Commission. Even where it was manifestly the desire of a district to obtain a Bishop, he did not see any way in which the Commission could be compelled to give effect to that wish; for, at best, any pressure which might be brought to bear on that body would be very indirect and inadequate. He believed that to be a fundamental objection to the Bill; and that giving power to the Ecclesiastical Commissioners to grant or withhold an increase to the Episcopate at their discretion was a course which would never receive the approbation of their Lordships. His next objection was that there would be a risk that the Bishops appointed under this Bill would not be either financially or socially of equal status with the existing Bishops. There was no minimum of remuneration named in the Bill, and therefore there would be the danger of an acceptance of inadequate remuneration by persons who might desire the appointment. He thought, therefore, that the Bill ought to make an endowment to a certain amount obligatory in every case before the scheme for the formation of the new Bishopric could receive the sanction of the Ecclesiastical Commissioners; and his own opinion was, that the amount to be provided ought to be such as would give the new Bishop a remuneration equal to what was the revenue of the present Members of the right rev. Bench. He must express his opinion that a sufficient case had not been made out for such a measure as this, because we knew from the precedent afforded by the See of Manchester that new Sees could be created now.

Lord Houghton

Again, he held that you might make as many new Bishops as you pleased, and still the numbers would be insufficient if the right rev. Prelates continued to discharge a large amount of duty which could be performed by persons in an inferior ecclesiastical position. He remembered asking the private secretary of a most esteemed Prelate how it was that the Bishop managed to get on so well; and the reason given was, that the Bishop directed his secretary never to let him see any letter that the secretary could answer himself, and to let no business be referred to him that could be disposed of otherwise. The truth was, that the Bishops had undertaken too much, and but for this fact there would be no necessity for the present Bill. He hoped that the Bill would be referred to a Select Committee, where the difficulties connected with it could, if not overcome, be considerably mitigated, so that their Lordships might not sanction the passing of a Bill which would not tend to the satisfaction of their Lordships or to the good of the Church.

An Amendment *moved*, to leave out from the word ("that") to the end of the Motion, and insert ("the Bill be referred to a Select Committee.")—(*The Lord Houghton.*)

LORD LYTTLETON said, he had never before known a Motion for referring a Bill to a Select Committee, unless an intimation of such Motion had been made on or before the second reading. His noble Friend's (Lord Houghton's) arguments could scarcely have been used in earnest. He had commenced by asking—"Who is to put the Bill in motion?" Anyone might put it in motion. The parties who were willing to subscribe money for the endowment of a new Bishopric had only to bring their scheme to the Ecclesiastical Commissioners, and ask for their sanction. The Bill was not one for increasing the Episcopate, but for enabling persons who wished to increase it, to do so on certain conditions. Those who desired to see a new Bishopric established, and were able to provide funds, would go to the Commissioners and express their wish; and the duty of the Ecclesiastical Commissioners would be to prepare schemes, and there was not the slightest reason to doubt that they would discharge that duty. His noble

Friend said there were no means of bringing public opinion to bear upon them. But every one of them was friendly to the general purpose of the Bill. As to the status of the Bishops, if his noble Friend had given attention to what passed in their Lordships' House on the second reading of this Bill, he would have known that he (Lord Lyttelton) stood on the same ground with him in that respect. He stated in the debate on the second reading, that he was anxious that there should be no difference whatever between the status of the new Bishops and that of the existing ones; but the latter right rev. Prelates had not all exactly the same income, and as the income which would be sufficient in one place might not be so in another, he proposed to leave that matter to the Ecclesiastical Commissioners. As to what his noble Friend had said about the See of Manchester, that was inapplicable to its present position; he knew that if public funds were available for the purpose, new Bishoprics might be created without such a Bill as this; but that was not now in question. He wholly differed from his noble Friend's last argument. If his noble Friend's opinion was that a Bishop should only be a judicial functionary, and that they had undertaken too much in the way they now discharged their duties, he should be much surprised if one other Member of their Lordships' House agreed with him in that view. He trusted their Lordships would not give their assent to his noble Friend's Amendment.

LORD HOUGHTON said that, as he found he was wrong in matter of form, he would not press his Amendment.

THE DUKE OF RICHMOND observed that, though the custom was as the noble Lord (Lord Lyttelton) had stated it, the noble Lord (Lord Houghton) was quite in Order. It was quite competent to the noble Lord to move his Amendment, but he had certainly taken an unusual course.

LORD HOUGHTON said, he did not think it right to press the Amendment.

On Question, Whether the words proposed to be left out stand part of the Motion?

Resolved in the Affirmative.

Then the original Motion agreed to; House in Committee accordingly.

VOL. CCXXII. [THIRD SERIES.]

Clauses 1 to 9, inclusive, *agreed to.*

Clause 10 (No endowment from funds of Commissioners).

LORD HOUGHTON objected to the prohibition. He could not see why the funds taken from overpaid Bishoprics should not be applied to the endowment of Bishoprics which were required; but to absolutely forbid the Commissioners to so apply them appeared to him to be monstrous.

LORD LYTTELTON said, he had here again to observe, that if his noble Friend had made himself acquainted with what took place on the second reading he would have known that he (Lord Lyttelton) quite agreed with him as to the propriety of applying the "common fund" to the endowment of Bishoprics; but when his noble Friend asked why the prohibitive clause appeared in the Bill, he must refer him to a noble Earl near him (the Earl of Shaftesbury) who would be able to answer the question.

Clause agreed to.

THE BISHOP OF EXETER rose to move the following clause, to follow Clause 10:—

"It shall be lawful for the Ecclesiastical Commissioners, if they think fit, in any scheme for the formation of a new bishopric under this Act, to attach to the bishopric thus formed:

1. Such portion of the income of any bishopric diminished by the formation of the said new bishopric as shall not reduce the said income below the sum of £4,200 per annum;
2. Any living in the new diocese which may have been hitherto in the gift of the bishop whose bishopric has been thus diminished, such living to be held by the bishop of the new diocese from the date of the next avoidance of the said living;
3. The income of any canonry in the cathedral church of the bishopric thus diminished which may be in the gift of the bishop of the said cathedral church, such income to be thus transferred from the date of the next avoidance of the said canonry, and the canonry to be then suspended."

His reasons for moving that clause was that he feared the diocese of Exeter, which required division more than perhaps any other, would not be provided for under the Bill as it stood. It was not at all likely that the necessary endowments for a new bishopric could be raised in Cornwall, and therefore he was anxious that funds should be provided by other modes. He named £4,200, not because that sum had any abstract

fitness, but because it was the amount now appropriated to the Bishops of Manchester and Hereford, and was the minimum now received by any Bishop of the English Church. As to the subsection for allowing the new Bishop to hold a living, the intention was that the Bishop should reside in the living, and with the assistance of his chaplains, acting as curates, discharge its duties. Lastly, as to the stall in the cathedral church, there were five canonries in the cathedral of Exeter, and if it were divided it would be only reasonable that the part cut off should have a portion of the cathedral revenues. He had consulted his Chapter on this point, and though they did not think it was the best plan of providing for a bishopric, he was authorized to say they assented to the proposition. It would diminish their number from five to four, and consequently impose heavier cathedral duties on the latter. He would not propose this plan, only the need was so great. He did not think it would be easy to convey to their Lordships an adequate sense of the necessity of a division of the Diocese of Exeter—the work of the diocese was now so heavy that it could not be well done. But the difficulty of providing the necessary funds would be very great, and unless some means of providing for the new See such as those he had indicated could be found, the Bill would never be applicable to the district.

Moved to insert new Clause after Clause 10.

THE BISHOP OF LONDON said, he thought the Diocese of Exeter would be a suitable one for the experiment; but he objected to the specific sum it was proposed to introduce. He would remind their Lordships that when a Bill the same in principle as the one now before their Lordships was referred to a Select Committee, that Committee recommended that in the Bill itself no sum should be fixed as the income of the Bishop. He would, therefore, suggest to his right rev. Brother to omit the words "the sum of £4,200," and substitute the words "such sum as the Ecclesiastical Commissioners may think fit."

THE BISHOP OF EXETER said, he had no objection to adopt the suggestion.

The Bishop of Exeter

LORD LYTTLETON thought the second item in the clause proposed by the right rev. Prelate open to serious objection—it was a return to the old abuse of holding benefices *in commendam*—when a man might be a bishop in one place, dean of another, canon in a third, and hold a rectory in another. He had not thought that in these days anyone would propose to allow a Bishop to hold a living in his own diocese. How could a man do the work of a parish properly while he was at the same time discharging the functions of a Bishop? Again, at the time when an Act had just been passed to enable the number of canonries to be increased, he could not consent to a proposition to cut down the number of canons in a diocese in order to find an income for a new Bishop. As to the question of providing a sufficient endowment, if the people of Cornwall or any other county wanted a bishopric, let it find funds to endow that bishopric, as it would find ten times the amount for a new railway, or a harbour, or a breakwater. It was impossible to say that this country, with all its enormous wealth, could not found new Sees; and for a mere fraction, as compared with the amount which they expended for secular purposes, they might surely be content with a spiritual, instead of a pecuniary, return.

THE LORD CHANCELLOR said, he wished to make a few observations on the proposals of the right rev. Prelate. In doing so he would be speaking only his own sentiments—for he did not know how far his noble Friends behind him would agree with him, or whether they might not take a different view. He was not able to agree in the analogy which the noble Lord who had charge of the Bill had drawn between the construction of a railway and the endowment of a bishopric; and he thought his noble Friend had borne a singular testimony to the zeal of the people of Cornwall:—because they had always been ready to employ money for making railways or breakwaters, they would, therefore, employ money for making bishoprics. That was what he ventured to think was taking a rather coloured view of matters. Well, to the second proposal of the right rev. Prelate he entertained great objection. They had been accustomed to hear a great deal about the misappropriation of the estates of the bishoprics

and chapters to the "common fund" for the benefit of the parishes—but here were funds intended strictly for the benefit of a particular parish, and the right rev. Prelate proposed to allocate them to the Bishop of the diocese. He knew that the right rev. Prelate proposed that the Bishop should reside in the parish the living of which was to be given to him; but it was obvious that the Bishop was to be appointed for episcopal work, and he could not do the work of a diocese and the work of a parish. The result would be that the work of the parish must be done by the curate, while the funds of the parish would be paid to the Bishop. Talk of a misappropriation of trust funds! Could there be a greater misappropriation than that? Then, as to the proposal to do away with one of the canonries, he did not think the canons of the Church were in excess of the work which there was for them to do. If anything were to be done in the direction proposed by the right rev. Prelate, he would prefer that one or more of the canons should be taken from the old diocese and given to the new one; but to suppress a canonry in order to apply its revenue to the endowment of a bishopric was a scheme which ought not to receive the approbation of their Lordships' House. He did not propose to submit to their Lordships any Amendments, but he entertained considerable doubt as to the working of the Bill. It was a Bill to enable new Bishoprics to be created without any limit as to number, except that limit which no doubt would result from the difficulty of providing funds. The object was to provide for the performance of diocesan work, which it was admitted on all hands could not be satisfactorily performed at present. The Bill would leave abundant work still to be done in the existing dioceses, but the hope was that it would be better done than it could be now, when some of the dioceses were too large. According to the present constitution of the Church, there were a number of Bishops possessed of ample endowments and having seats in that House, and it was sought to establish side by side with them another class of Bishops having no endowments except such as were to come from private contributions, but who were nevertheless to be entitled to the same privileges as the other Bishops of the Established Church.

He was afraid that the proposal now before the House was capable of being wrested by those hostile to the Church to its disadvantage. Now, if any feasible plan could be devised for the due performance of the work of the Episcopate, he should regret to see it contemplated to a greater degree than at present that where a new bishopric was created and a diocese carved out of an existing diocese, provision should be made out of the existing diocese for the purpose. He did not at all approve a proposal which assumed as a matter of course that by the mere division of an existing diocese a new bishopric should be created. It might well be that the division of existing bishoprics would not suffice to endow new Sees as they ought to be endowed, and, so far as the first part of the Amendment tended in the direction of making up the deficiency, he should not object to it.

LORD HOUGHTON said, he thought that the noble and learned Lord had done him the honour of repeating what he had suggested, and that his observations showed that the Bill ought to have been referred to a Select Committee. He believed that they had been led away by reference to a false historical analogy, for the old *commendam* system had nothing to do with the present proposal, which was that the new Bishop should not be non-resident, but should reside in the parish. He would take as an instance the case of Dr. Hook when vicar of the large parish of Leeds; under this Bill he could have been made a Bishop and still have retained the vicarage.

THE BISHOP OF LONDON asked how a Bishop could be resident in his parish and perform well all the duties of his diocese, and how would such a Bishop work the Public Worship Regulation Act? Suppose three of his parishioners presented a charge against him. He could not refuse to hear it, and he might by process of law be obliged to suspend himself from, or deprive himself of, his living, which was yet vital to his bishopric, by Act of Parliament.

LORD HATHERLEY wished to remark that Dr. Hook, during the time he was at Leeds, built one church and one schoolroom every year that he was there, and that he could not have done if he had been Bishop of Leeds with other duties to perform.

LORD VIVIAN stated his belief that five-sixths of the people of Cornwall were Dissenters from the Church of England, and that there was no very great desire in that county to have a new Bishop. They considered that their present Bishop did his work very well.

LORD LYTTTELTON said, that was no argument against his Bill, which was not intended to provide for the case of those who did not want a new Bishop, but for those who did. If the people of Cornwall, or of any other place, did not want another Bishop, he did not wish to force one upon them. He did not know about the Dissenters; but he should be surprised if there were not many laity, and still more clergy, in Cornwall, who would be glad to see a Bishop there.

THE EARL OF HARROWBY was also of opinion that a Bishop was very much wanted in Cornwall. He did not see any objection to reducing the canonries in Exeter Cathedral from five to four for the purpose of promoting the object; and he approved of the reduction, to a small extent, of the income of a Bishop, who had been relieved of a portion of his duties. Cornwall might not have a great wish for a Bishop of its own; but, assuredly, it had great need of one. He was afraid the wish was not very strong as yet.

LORD ELIOT said, he did not quite agree with what had fallen from his noble Friend the Lord Lieutenant of Cornwall (Lord Vivian). The amount of Dissent now existing in that county was owing to the neglect of past years. He had heard of the case of a parish in Cornwall in which it was said that a Bishop had not been seen since the Reformation—perhaps he might say since the Conquest. He firmly believed that the people of Cornwall did want a special Bishop, and the appointment of one would set the Bishop of Exeter free to attend to his own diocese of Exeter.

THE DUKE OF RICHMOND suggested that the first portion of the clause proposed by the right rev. Prelate (the Bishop of Exeter) should be adopted; with a modification in the sense suggested by his right rev. Friend (the Bishop of London).

THE ARCHBISHOP OF CANTERBURY thought the better course would be to accept the Amendment of his right rev. Brother, modified as the noble Duke suggested. With reference to remarks

made in the course of this discussion—he should be sorry if the impression went forth that the present Bishops found it impossible to perform the duties of their several stations. He by no means agreed in the view propounded that evening by his noble Friend opposite as to episcopal duties. No doubt the Bishops had great difficulties to encounter in performing their duties according to the high standard they had, to their honour, established for themselves; but he had no hesitation in saying that the duties of the episcopal office were most satisfactorily performed by his right rev. Brethren in the difficult dioceses of Winchester and Exeter, although no doubt they might be still better performed under some such sub-division of those dioceses as was now proposed. While anxious to give his best support to this Bill, he confessed that he was not very sanguine as to its success. It might be that the people of Cornwall would be as liberal as some had supposed, or as unwilling to increase the efficiency of the Episcopate as the Lord Lieutenant of that county thought; but he could not help feeling a little doubtful as to the success of his noble Friend's measure. That, however, would be tested in the way that his noble Friend wished it to be. Those who felt a great desire to increase the Episcopate would, no doubt, come forward for that purpose; on the other hand, if such a desire was not really felt, then people would not come forward, and the Act, if passed, would become a dead-letter. Nor was he very sanguine as to the success of the measure when it went elsewhere: but he was, on that very account, all the more anxious that there should be no misconception as to why they urged the measure on their Lordships. It was not that the duties now attached to the episcopal office could not be performed, but that, like all other human duties, they might be better performed, and that they would be neglecting what devolved on them if they did not give every facility for the most perfect discharge of those duties that was practicable. If he had had the management of this matter, and had complete control, both in their Lordships' House and in the other House of Parliament, respecting it, he should have thought it—as he had always done on former occasions—a wiser plan to propose a definite scheme for the formation of a particular bishopric in some

one of those cases where there was an obvious want. His right rev. Brother might with great propriety have proposed a definite scheme for the endowment of a bishopric of Cornwall. He might have said there were some exceptional circumstances in regard to the Cathedral of Exeter—namely, that it had five canonries, whereas other cathedrals had four; and he might have proposed that one of those canonries be appropriated to the endowment of that new bishopric. It was possible also that there might be livings in Cornwall, the emoluments of which were so large that it would be right to charge some of them for that purpose. He did not know that there were such livings in his own diocese, or many of them in England; for he believed that the English parochial clergy were poorly paid indeed, and that even those of them who were reputed to possess large livings found a very small sum come to them after all payments for charities and curates were discharged. But they would, perhaps, have been in a better position for discussing that important question if they had before them a definite proposal for the division of the diocese of Exeter. Then, too, all danger as to the jealous feeling of Parliament would have been avoided; because the consent of Parliament would have been taken as to the foundation of the bishopric. It might also be desirable that a distinct scheme should be submitted to Parliament for the division of the diocese of Winchester—the most trying case of all the dioceses in England—and a plan suggested for providing sufficient funds for the new See. He hoped that at some future time such an idea might be entertained. At the same time, the only practical plan before them was that of his noble Friend (Lord Lyttelton); therefore, he thought the Episcopal Bench had no course left them but to give it their cordial support, and he should be very glad indeed if the hopes of the noble Lord were fulfilled, and if a great number of persons were found ready to assist in the formation of new Sees.

THE BISHOP OF EXETER said, he would not press that portion of the clause to which objection had been made. He admitted that he had his own diocese in view in proposing it, and there might be serious objections to taking that diocese as a type. This Bill

appeared to afford the only opportunity of procuring the necessary resources for carrying on the work of the Church. He pointed out that the canonries of Exeter differed from those of other cathedrals as to the number, and that one of them might be appropriated to the formation of a new bishopric without any improper alienation of funds.

Clause *withdrawn*, and new Clause inserted, as follows:—

“It shall be lawful for the Ecclesiastical Commissioners, if they think fit, in any scheme for the formation of a new bishopric under this Act, to attach to the bishopric thus formed a portion of the income of any bishopric the diocese of which is diminished by the formation of the said new bishopric.”

THE BISHOP OF EXETER moved that the following clause be added:—

“It shall be lawful for the patron of any benefice situated within a diocese formed under this Act to charge the said benefice with a perpetual annuity, payable from the date of the next avoidance of the said benefice, to the Bishop of the said diocese: provided always, that in the judgment of the Ecclesiastical Commissioners, having regard to the area and population of the said benefice, the payment of the said annuity shall leave a full and sufficient income to the incumbent of the said benefice.”

It was at present the law of the land that the patron of two livings might, with the consent of the Ecclesiastical Commissioners, increase the endowment of one at the expense of the other. The exercise of this power was of great advantage in cases where one of the livings was rich and the other poor. By the present proposal the same principle was sought to be applied under different circumstances; and it would afford many private patrons an opportunity of assisting in the formation of a new bishopric.

LORD LYTTTELTON opposed the clause.

After short conversation.

On Question, *resolved in the negative.*

Remaining clauses *agreed to.*

The Report of the Amendments to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 35.)

TURKEY—ROUMANIA AND SERVIA.

QUESTION.

LORD CARLINGFORD asked the noble Lord at the head of the Foreign Office, Whether he would lay on the Table any Correspondence which might

have passed in regard to claims made by the Governments of Austria, Germany, and Russia to negotiate commercial Treaties with Roumania and Servia without the intervention of the Porte?

THE EARL OF DERBY replied that the Correspondence in question could not be produced at present, except in a partial and incomplete form, and that it would, therefore, be more convenient and more for the public interest to defer the publication. If, however, the negotiations should continue much longer he would in the course of the present Session, although no definite conclusion might have been reached, place on the Table of the House such of the Papers as it would then be possible for him to present.

BOSTON ELECTION.

Message from the Commons that they have agreed to the following Address to be presented to Her Majesty (under the provisions of the Act of the sixteenth year of Her present Majesty, chapter fifty-seven,) relating to the Election for the Borough of Boston, to which they desire the concurrence of their Lordships:

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty that Sir William Robert Grove, Knight, one of the Justices of the Court of Common Pleas at Westminster, and one of the Judges selected for the trial of Election Petitions, pursuant to 'The Parliamentary Elections Act, 1868,' has reported to the House of Commons that there is reason to believe that corrupt practices extensively prevailed at the last Election for the Borough of Boston:

"We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made, pursuant to the provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament, by the appointment of Aeneas John McIntyre, esquire, one of Your Majesty's counsel, Wyndham Slade, esquire, barrister-at-law, and Douglas Straight, esquire, barrister-at-law, as Commissioners, for the purpose of making inquiry into the existence of such corrupt practices.'"

House adjourned at Seven o'clock,
to Thursday next, half past
Ten o'clock.

Lord Carlingford

HOUSE OF COMMONS,

Tuesday, 9th March, 1875.

MINUTES.]—SELECT COMMITTEE—Corrupt Practices at Parliamentary Elections, appointed.

SUPPLY—considered in Committee—Resolutions [March 8] reported.

WAYS AND MEANS—considered in Committee—Consolidated Fund (£880,522 1s. 4s.) *.

PUBLIC BILLS—Ordered—Linen and Yarn Halls (Dublin) *.

Ordered—First Reading—Training Schools and Ships * [89]; Mutiny *.

Second Reading—East India Home Government (Pensions) * [74].

Second Reading—Referred to Select Committee—Foreign Loans Registration [60]; Public Worship Facilities [22].

Third Reading—Superannuation Act (1859) Amendment [64].

OYSTER BEDS ON THE IRISH COASTS.

QUESTION.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, What steps have been taken to oblige the owners of Oyster Beds on the Irish Coasts to stock them, as required by the 29 and 30 Victoria, chapter 88, section 3, and by chapter 97, section 14, of the same Statute?

SIR MICHAEL HICKS-BEACH: Sir, in all licences granted by the Inspectors of Fisheries for oyster beds there is a provision inserted that the bed shall be properly cultivated within three years from the date of the licence, and with regard to licences granted heretofore, the Inspectors last year held a number of inquiries to ascertain whether the beds were properly cultivated before taking the steps required by the 14th section of 29 & 30 Vict. c. 97, and the 3rd section of 29 & 30 Vict. c. 88, to revoke licences when the licensees had neglected to stock their beds, and it was decided upon to give the licensees another year to do so. Further inquiries will be made during the present year, and the Inspectors will then revoke all licences where, in their opinion, the licensees have not taken the proper steps to form and cultivate their oyster beds.

INDIA—IMPORT DUTIES ON COTTON GOODS.—QUESTION.

MR. J. CROSS asked the Under Secretary of State for India, If can give the House any information as to the probability of an early abolition of the pro-

protective duties at present imposed by the Indian Government upon the import of cotton goods and yarns; and, if not, whether he can inform the House when these duties will be materially reduced?

LORD GEORGE HAMILTON: Sir, the Government of India appointed a Committee to inquire into the working of the Tariff Act of 1871, and their attention was specially directed to the duties imposed upon cotton goods and yarns. They have not yet reported; but when their Report has been received and considered I shall be very happy to give the hon. Gentleman the information he requires. As these duties are imposed on fiscal grounds and not for purposes of protection, may I point out to the hon. Gentleman that the word "protective" does not very correctly designate the character of the duties referred to.

MASTERS AND SERVANTS ACT—CASE OF LUKE HILLS.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether he has received a memorial from St. John's Common, Sussex, signed by 1,302 persons, calling his attention to the case of Luke Hills, an agricultural labourer sentenced by the Cuckfield magistrates to three months' imprisonment on a charge of breach of contract; and, whether, taking into consideration the peculiar circumstances of the case, and the fact that the man has already been imprisoned for about a month, he will recommend that the rest of his sentence should be remitted?

MR. ASSHETON CROSS, in reply, said, that he had only that morning received from the committing magistrates a reply to a communication which he had caused to be addressed to them in reference to this case. He had not as yet had time to read the document, but it should have his immediate attention.

NAVY—THE ARCTIC EXPEDITION.

QUESTION.

MR. FORTESCUE HARRISON asked the First Lord of the Admiralty, Whether it is true that all applications from the navigating officers of the Naval Service for permission to accompany the Arctic expedition have been refused; and, if so, whether he will reconsider this decision in favour of a class of officers eminently qualified by their education and training and peculiar know-

ledge of the laws of magnetism, for employment on this occasion?

MR. HUNT: A selection of officers for the Arctic Expedition below the rank of commander was made from a list of 138 applicants, of whom 13 were navigating officers. None of that class were selected. Only one of them was supposed to have any special knowledge of magnetism, and his age was against his being chosen. As I have before stated in the House, great pains were taken to select the fittest men, and, as all those who were chosen have passed the medical examination, no other appointments can now be made.

NATIONAL DEBT COMMISSIONERS—ALLEGED DEFICIENCY.

QUESTION.

MR. PULESTON asked Mr. Chancellor of the Exchequer, Whether his attention has been drawn to a recent article in the "Pall Mall Gazette," referring to a deficiency of over four millions and a-half incurred by the National Debt Commissioners in their account with the Trustees of Savings Banks and Friendly Societies; whether such deficiency is still increasing; and, whether Her Majesty's Government propose to bring forward any measure to remedy a system which makes such accumulating deficiencies possible?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had read the article mentioned in the Question of the hon. Member, and which referred to a question frequently brought before the attention of the House in connection with certain yearly accounts supplied under the provisions of an Act of Parliament. The accounts between the National Debt Commissioners and the Trustees of Savings Banks and Friendly Societies showed a deficiency against the Commissioners, arising from the fact that in former years a higher rate of interest was allowed by them than they could earn from the investments then open. Of late years the rate of interest allowed by the Commissioners had been reduced, while they had been able to earn a larger amount; but, in consequence of the deficiency which occurred before the corrections between the two rates of interest were made, a deficiency was created which for some years had gone on accumulating. It continued to increase, and would ere long demand the

attention of Parliament. He hoped to have an opportunity in the course of the Session of calling the attention of the House to various matters in connection with their National Debt, and this would be one of the matters to which he would direct attention.

LOCAL GOVERNMENT—GAS AND
WATER WORKS—LEGISLATION.

QUESTION.

MR. COLMAN asked the President of the Local Government Board, Whether it is the intention of Her Majesty's Government to introduce a Bill, during the present Session, for better enabling municipal corporations or sanitary authorities to acquire gas or waterworks; and whether the Local Government Board have made any recommendation thereon?

MR. SCLATER-BOOTH: Sir, it is not intended to introduce any Bill specially dealing with the subjects referred to. But it may be convenient to the hon. Member and to the House that I should state shortly what are the existing powers with respect to gas and water, and to what extent they will be varied by the Public Health Bill, which was delivered this morning. Under the existing law, sanitary authorities can purchase waterworks by agreement, and provide waterworks in places where there is no company, or where a company is unable or unwilling to supply sufficient water for all reasonable purposes. The Bill will extend these powers by enabling a local authority to carry water mains outside their district, and to supply water to the authority of an adjoining place. At the present time sanitary authorities have no power under the general law to construct or purchase gasworks. They can only contract for public lighting and provide lamp-posts, &c. The Bill will enable them to purchase gasworks by agreement, and where there is no company they may, by Provisional Order, obtain authority to establish gasworks for their district.

POST OFFICE—NIGHT MAIL SERVICE
TO BASINGSTOKE, &c.—QUESTION.

DR. LUSH asked the Postmaster General, Whether, notwithstanding the fact that the boroughs of Andover, Salisbury, Wilton, and Shaftesbury are situated upon the main line of the London and South Western Railway to Exeter, it is the intention of the Post

The Chancellor of the Exchequer

Office to continue the present system of mail carts for the night mail service between Basingstoke and Yeovil, or whether he will, at an early period, utilize that Railway by the establishment of a night mail train through the district specified, in addition to the day mail train now in use?

LORD JOHN MANNERS, in reply, said, he admitted the desirability of sending the mails by train to the more important of the towns mentioned in the Question of the hon. Gentleman; but, as far as Andover was concerned, the present system was found to be best, for the reason that it was necessary to employ carts in conveying the mails to the surrounding small towns and villages.

POST OFFICE TELEGRAPHS—STATION
ON LUNDY ISLAND.—QUESTION.

MR. A. P. VIVIAN asked the Postmaster General, Whether he will take into consideration the establishment of a telegraph station on Lundy Island, in the Bristol Channel, with the object of establishing communication with the vessels forced there for shelter during bad weather?

LORD JOHN MANNERS, in reply, said, that the question was considered during last summer and autumn. The cost of establishing and maintaining such a station was found to be so far beyond the amount which would be earned that he was then and still continued to be unable to sanction its establishment.

FRIENDLY SOCIETIES BILL—FEES TO
AUDITORS.—QUESTION.

DR. CAMERON asked Mr. Chancellor of the Exchequer, Whether he is in a position to inform the House what fees the Treasury contemplate charging for the services of the official auditors proposed to be appointed under the Friendly Societies Bill; and, whether he will give any assurance that the charge sanctioned for a quinquennial valuation of the assets and liabilities of such a society shall in no case exceed a given per centage of its gross annual income; and, if so, what per centage?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that before considering what fees should be given to the official auditors, the Treasury must first ascertain whether they could get them. The Question of the hon. Gen-

tleman had better be discussed when that part of the Bill which related to these officers came under consideration.

NEW GUINEA—CORRESPONDENCE.

QUESTION.

MR. W. M'ARTHUR asked the Under Secretary of State for the Colonies, Whether he will consent to lay upon the Table of the House any recent Correspondence relative to New Guinea?

MR. J. LOWTHER: There is, Sir, no Correspondence of a recent date at the Colonial Office relating to this subject which can with propriety be laid upon the Table; but there have, I believe, been reports made to the Admiralty by the naval officers employed on recent explorations, though I am, of course, unable to say how far their production may be desirable.

VALUATION RETURNS (METROPOLIS).

QUESTION.

In reply to Mr. J. HOLMS, THE CHANCELLOR OF THE EXCHEQUER said, that, in the remarks he had made with reference to these Returns, he did not cast any reflection upon the local authorities.

JURY LAW AMENDMENT—LEGISLATION.—QUESTION.

In reply to Mr. NORWOOD,

MR. LOPES said: Sir, the Bill I introduced last Session for the amendment of the Jury Laws containing over 100 clauses was read a second time and passed through Committee, with the approval, I think I may say, of hon. Members on both sides of the House. The Bill, however, ultimately fell through, owing to causes over which I had no control. Having no reason to believe those causes might not still prevail, I feel I should not be justified in asking hon. Members again to expend much time and labour on so long a Bill. I shall not, therefore, re-introduce the Bill this Session.

DURHAM CAPITULAR ESTATES— (CUSTOMARY TENANTS).

MOTION FOR A SELECT COMMITTEE.

MR. PEASE: I rise to move that a Select Committee be appointed—

“to inquire into the nature of the estates and interests and the present position of the Customary Tenants of Lands held lately under the Dean and Chapter of Durham, and now under the Ecclesiastical Commissioners for England, by renewable leases made by the Dean and Chapter, who have transferred their estate and interest in such lands to the Commissioners; and to report the opinion of the Committee as to further legislation thereon.”

I had the honour to place upon the Notice Book of this House last Session a Motion of a very similar character to that which I have the honour to introduce to-night; but the difficulties which so often attended the Motion of private Members attended me, and obliged me, at the request of the right hon. Gentleman at the head of the Government, to postpone my Motion until this Session. Whilst I feel that in this Notice I have given a somewhat local bearing to this question, I still feel that it is a national question, as it affects funds and estates in the hands of the Ecclesiastical Commissioners, which are to be used at their discretion for national purposes. It is certainly no question of Party politics in the usual sense of the term. What I ask for is inquiry into the working of the laws which affect a very large number of my own constituents, and which are looked upon with interest by the country at large. I ask for inquiry by Members of this House into the grievances of which they complain, and if I prove that the law as it stands is administered harshly, or in a manner not contemplated by Parliament; or if I even prove that, under its operation, great injustice is done to any body of persons, however few they may be, I trust that I shall have made out a case for such an inquiry as I ask for. The parties for whom I ask this inquiry are the customary tenants of the Ecclesiastical Commissioners. They were lately tenants of the Dean and Chapter of Durham, and, before that, they were tenants by court roll. In their Petition they bring forward one or two grave allegations. They complain that the Commissioners refuse to renew their leases, and also throw difficulties in the way of their enfranchising. They state that by this refusal of the Ecclesiastical Commissioners they make the Act compulsory as regards the Petitioners, and voluntary as regards the Commissioners, compelling the Petitioners to purchase the fee-simple, or surrender their interest in the land held by them at such prices as

the Commissioners may choose, under penalty of having their leases run out, their interest taken away and their property in them destroyed, or they have the alternative only of defending their estates at the cost of enormous expense and delay. Their main allegation, however, is, that the leases are not renewed by the Ecclesiastical Commissioners, and that that large and powerful body refuses to do that which the Dean and Chapter of Durham have done ever since as Dean and Chapter they came possessed of these estates in the reign of Henry VIII. I have said they also complained of the difficulties thrown in their way in enfranchising. The number who last year complained of this was 180, and now I believe nearly 400 have signed the Petitions I have presented. The Petitioners are not merely the men in possession, but also trustees, mortgagees, and reversioners, and various other persons interested directly or indirectly in these estates. But every caution has been taken to secure that those who signed the Petition should be persons who were personally interested in the matter. They represent that the annual value of these estates is £50,000, and the gross value not less than £1,000,000. I have been kindly told by the right hon. Member for the University of Oxford (Mr. Mowbray)—one of the Ecclesiastical Commissioners—that I ought to accept these figures with some caution; but I believe they are based upon a Return presented to this House, by which the Ecclesiastical Commissioners showed that during the two years which had elapsed between September, 1870, and September, 1872, there were 214 leases, the renewal of which was refused; and that the fines paid upon these leases at their last renewal were no less than £18,656 8s. 11d., or on an average of about £9,000 per annum. Taking these figures to represent one-fourth or one-fifth the annual value of the leases, we arrive pretty nearly at a sum of between £40,000 or £50,000, the annual value set out in the Petition. Some of these may be considered small holdings; but they are of the greatest importance to those who are interested in them. But many are of considerable extent. I have the cases before me of Mrs. Watson, who holds 110 acres; Messrs. Ord, 700 acres; Mr. Abbs, 100 acres; Miss Russell, 200 acres; Mr. Holmes, 115 acres; and Mr. Robinson, 213 acres, making

Mr. Pease

1,438 acres in all, and I have a long list of very important and considerable holdings. Many of these lands have been held, subject to fines, for upwards of 300 years, and in many cases they have remained for 200 years of that period in the same family. They have regularly paid, from time immemorial, one and a-half years' rent every seven years for their 21 years' leases. I am told that in the time of Elizabeth an Order in Council was made that three years' rent should be paid as fine every twenty-first year. Some dispute arose between the Dean and Chapter and the lessees in the reign of Charles I., and the present system was adopted by Order in Council. It consisted of paying one year's rent as fine every seventh year; this afterwards became one and a-quarter to one and a-half year's increased value. The men who hold these leases belong to the independent race of yeoman farmers, who ought to be encouraged in every way, as they form the stay and backbone of the country. I have looked at their leases, and every right seems to be preserved to them that a holder of land has, and they have exercised their rights upon the estate. They have no conditions as to crops, and they make their own roads and fences, and erect their own boundary. They have been transferred from hand to hand, and up to a certain date the form was used in transfer, but the transferror transferred the tenant-right and right of renewal. They allege that when they ceased to be copyholders in the reign of Henry VIII. they covenanted for the right of perpetual renewal. This was before the restraining statutes of the reign of Queen Elizabeth were passed restraining ecclesiastical bodies from granting leases for more than 21 years. The question of the right of renewal was hardly ever, if ever, in dispute. Only one or two cases have occurred in which men have been refused renewal for waste of the estate. But the lease in other cases was invariably renewed. They alleged that, before the dissolution of the monasteries, they were not Bishop's tenants, but held the land by court rolls, and in every other way acted as feudal tenants. These men had rendered good service to England, for they were said to be those who had brought the Coronation Stone out of Scotland—whatever interest that fact may have; but I will not go minutely into this question

of antiquarian research. These rights have existed up to the present time, and have been carefully guarded. Take a Report out of a Committee of the House of Lords, which is more unfavourable to them than any others, which says—

“That the lessors, with comparatively few exceptions, have had *de facto* for more than two centuries the advantage of renewals.”

To destroy these is to shake the foundation on which all landed property is held in England. With the leave of the House, I will take a few cases of actual holdings of these estates as examples of many more. There is the case of Mrs. Watson, who has 110 acres of ground, purchased in 1830. Her husband's father paid £6,000 for the land, which was equal to a purchase based on a rental of £300 a-year, for a term of 20 years. One of his two sons, after his father's death, obtained a mortgage on the estate of £3,000, which was paid to the younger brother as his moiety of the estate. The Commissioners offered her £4,000 for the estate, which cost her husband in 1830 or 1832 £6,000, the land in the meanwhile having much increased in value. Mr. Ord, of Newton, bought 366 acres in 1810; but the same estate had been held by his family since 1739 as tenants. In 1810 he paid £7,000 for the estate. This was in a time of war, when rents were high. The present value is at least £200 per annum, and he had not been able to enfranchise. Mr. Abbs, of Cleadon House, held 100 acres, and the land had been in the family for 150 years. It was purchased at the price of freehold by the trustees of the great grandfather of Mr. Abbs. It was purchased from the Hyltons, of Hylton Castle, who held it before the Dean and Chapter got it from Henry VIII. The present owner had built the farm buildings, farmhouse, and a villa residence. I could give half-a-dozen cases. I call the special attention of the House to the fact that these leases were regularly renewed up to 1870. When the Dean and Chapter began to listen to the blandishments of the Ecclesiastical Commissioners, the tenants began to feel alarmed when their leases were refused renewal, and they appealed to the Privy Council against the Dean and Chapter transferring their rights to the Commissioners. The question was before Lord Selborne, and he said—

“It seems to me that your position, as Petitioners to Parliament, would not be different after the transfer from what it is now. Your case before Parliament would surely be exactly the same. Indeed, it would be better if the consequence of the transfer was, that you were placed in more jeopardy than you were before. If it were just, there would be more reason for Parliament to interfere in your favour, and if your view is that justice can only be done by special legislation, it must be presumed that justice would be done upon you showing a case for it after this transfer.”

I say there is a strong *prima facie* case that should be dealt with. These tenants passed into the hands of the Ecclesiastical Commissioners. They dreaded the change, because, instead of being under the hands of those who knew them, their circumstances and wants, they would be in the hands of those who have no local sympathies, and little understand the claims they had to their estates, and who were 250 miles away from them. This scheme was passed at a Council at Windsor on November 27th, 1872. The scheme was dated 3rd August, 1871, and sets forth that it is made under the powers of the Act of 1868. The figures in it would rather surprise the Fathers of the early Christian Church. It reserved 10,500 acres of land to the Dean and Chapter, set forth in Schedule A. It laid down that £11,000 a-year was to be paid to the Dean and Chapter or estates yielding that sum clear of rates, and taxes, and agency; £2,000 pension to the Dean; £700 pension to the Chapter clerk; £600 pension to mining engineer; £10,000 to Dean and Chapter to be spent on farm buildings on reserved estates, interest not to be expended; £20,000 for drainage of reserved estates, interest not to be expended; £20,000 for Cathedral repairs, interest to be expended; £3,000 for their Dean, £1,000 each for six canons, £3,000 for the Cathedral school, £2,000 for repairs; and they also reserved 10,500 acres of land, as I have already mentioned. The only persons left out in the cold were the tenants, from whom all this money was obtained. Having entered upon these responsibilities this huge Commission at once began to refuse the renewal of those leases, which had been renewed almost without exception since the reign of Henry VIII. I allege that considerable delays took place in treating with those who wanted to enfranchise. Mr. Jeremiah Abbs, of Westholme, asked for the terms of the sale of reversion in October 31st, 1871, and, after repeated excuses and

continual applications, got a letter on June 3rd, 1874, saying that his offer to buy or sell should have attention. The renewal of the leases being refused, the customary tenants are driven on to the horns of a dilemma. They must either enfranchise, or they must sell to the Ecclesiastical Commission. On the one hand, if they wish to enfranchise, it is under the Act of 1851—the voluntary Enfranchisement Act. The customary tenant must buy at the sum offered by the Commission. He has no appeal—no arbitration; and more than that, the refusal to renew drives him on towards giving an exorbitant price. On the other hand, he may sell to the Commission; he may claim that his lease expires in 1884, even if it expires before that time—and he is told that that which cost a few years ago 20 or 25 years' purchase is now worth 9 years' purchase at the most. The question of Church property has been before the House repeatedly, and Reports have been issued, the first of which I hold in my hand, and I think there is no doubt they establish the case of those whom I represent. In the Report of the Committee of 1839, the rights of these men are very distinctly and clearly stated, and it is declared that they ought to be attended to and protected. After this was a Report on the Ecclesiastical Commissioners in 1848, and on that Committee there were many eminent men. The Report speaks in a strong and stringent manner with the way in which the Ecclesiastical Commissioners were dealing with these men. In 1850, the Royal Commission of the House of Lords sat. I place more confidence in the soundness of the views of a Royal Commission than of the Committee of either House because this is a matter which involves nice points of law. No less a person than the Earl of Carlisle brought in the Bill founded on the Report, and that Bill suggested a compromise, so as to give the lessees a perpetual right to renewal. That was the conclusion the Earl of Carlisle arrived at; but the Bill he brought in was thrown out. The right hon. Gentleman at the head of the Government (Mr. Disraeli), in a letter to the Chairman of the Enfranchisement Association, states that the Durham lessees were heard on this question; but there was only one gentleman heard, and his opinion was only

asked on the compromise proposed by the Royal Commission. A permissive Bill was brought in in 1851, and now I come to what the Bill enacted. Earl Russell replied to the objections raised, and he said the ecclesiastical corporations could not suffer, because they must be consenting parties to the enfranchisement. The lessees could not be sufferers either, because they too must be consenting parties, and if the term proposed by the Bishop or any ecclesiastical corporations were too hard or severe, the lessee had nothing to do but to refuse those terms, and be retained in the same position as before. Then came the Act of 1860, on which my hon. Friend (Sir Thomas Acland) relies as having settled this question. I have already touched on the Acts of 1851 and 1860, and I think I have clearly shown that up to 1872 they never were under the Act of 1860, and they only came under the Act of 1860, when the scheme was passed by the Privy Council in 1872, under the Act of 1868. I do not say that the Commissioners never asked for power. I say they did; but this House struck the clause out, and the power to renew has never been taken away. The power has always been held by Parliament, and it is regarded as a trust to protect the titles by which the owners held. I am no opponent of voluntary enfranchisement; but I am opposed to the Ecclesiastical Commissioners' screw being put on these customary tenants. I do not believe in forced voluntary enfranchisement, brought about by the threat of no renewal, and I may refer to the fact that every Act of Parliament has tried to protect these men; and if the behests of Parliament guided the Commissioners, these men would not now, through me, ask for inquiry and redress. I hope the House will not refuse the inquiry which I now seek. Those for whom I speak stake everything they have on this throw, and if they fail in making out their case—if they cannot prove there is hardship and injustice—the step which I am taking will recoil on their heads, and they will be handed over to the tender mercies of the Ecclesiastical Commission. But, Sir, if they prove before that tribunal, to which they appeal, that wrong exists; that hardship exists; that they are treated with injustice. This House will do, what it has ever done—redress the grievance—

Mr. Pease

do away with the hardships, and remedy the injustice.

LORD ESLINGTON: Mr. Speaker—I rise to second this Motion, and at the outset, in doing so, I shall make one declaration. This is no Party question. The very fact that I stand here to-night to second this Motion ought to be the best guarantee for that. Those who are prepared to vote with my hon. Friend feel that a great wrong has been done, is being done, and is likely to be done, by the policy the Commissioners are pursuing towards those who are our neighbours; and we believe that we have established, as clearly as men can, that there is a grievance sufficient to induce Parliament carefully to inquire, as they are now asked to do, into the whole question. I would remind the House that this is not an inquiry into the Act of any Ministry, but into the Acts of the Ecclesiastical Commissioners, who derive their powers from Parliament; and in the course of these observations, I feel it my duty to question, and to seriously question, the legality and the propriety of the course of proceedings of those Commissioners. I wish to say, at the outset, that I am not unwilling to believe that in the course they pursued they were actuated by a high sense of public duty, and with a due regard to the great trust that Parliament had confided to them. Now, Sir, we ask for this inquiry for the purpose of eliciting certain facts—facts which I believe are known to but few, and only partially known to those few. They are facts with which the general public are entirely unacquainted. They are facts which I hope are unknown to the Ecclesiastical Commissioners themselves; because it is a want of knowledge of these facts which, in my judgment, is the sole justification for the course of policy now pursued. But they are facts which are absolutely necessary for the equitable solution of this question. Therefore, we appeal to Parliament for such an inquiry as will result in the elucidation of these facts. Now, if the House, in its wisdom, thinks fit to grant this inquiry, the first duty that I hope will fall on that Committee will be to unlock the muniment chest of the Chapter of Durham; and I think I can promise them that that will be a very interesting operation. It will be a task replete with ancient custom and law, and it will be a task,

therefore, well worthy, I venture to think, of the consideration both of the present and the late Prime Minister of this country. But this production of the muniments of the Chapter is the very thing which the Commissioners oppose. They say we are not prepared to advise the Chapter to give access to their ancient documents. Now, I hope the Commissioners—of whom I wish to speak with respect—will forgive me for saying that I consider this a very suspicious circumstance indeed on their part; and if I draw the inference that the Commissioners are afraid of the publication of these documents—if I infer from this that the production of the documents will tend to support the case of the Petitioners, the Commissioners must not blame me. I have also heard this said by the Ecclesiastical Commissioners—“What an unjust, what a hard thing it is to force the Chapter to produce their title deeds.” A hard thing! An unjust thing! When the validity of the title to the right to renewal is questioned for the first time by the Ecclesiastical Commissioners themselves; when that is the question at issue; when the production of these documents is the means, and the only means, by which the validity of that ancient title can be proved, I think the injustice lies not in the production, but in the withholding of these documents. Well now, Sir, my hon. Friend in his able speech has gone into the details of the general Parliamentary history of this question, and therefore it will not be necessary for me in consequence of that to do more than to press home, if I can, certain leading points—the main points, I believe them to be, of our case—on the attention of the House. Now, the Ecclesiastical Commissioners, in supporting the course of policy of which I am here to complain—namely, their refusal to produce the ancient laws—have relied a great deal upon this argument. They say—“We have been the means of carrying forward several hundred enfranchisements. Why disturb a system which has worked so smoothly?” and they go further, and say if the right to renewal on the part of those who are yet unenfranchised—if the right to renewal is admitted—something like injustice has been done to those who have previously been enfranchised. That is one of their arguments. As I understand it, they

seem to imply that those enfranchised have been duped into parting with their property, because they were enfranchised under an erroneous impression. They had been duped into parting with their property, and I think the Petitioners are perfectly justified in refusing again to become dupes; but the fact is the Commissioners will not see—and there is nobody so blind as the man who will not see—they refuse to see the whole of the argument which I have urged to show the difference between voluntary and compulsory enfranchisement. I would wish to press this point strongly on the House. We are here to deny that Parliament has ever sanctioned compulsory enfranchisement in any shape. I am not here to deny that the Ecclesiastical Commissioners have tried to obtain compulsory powers. They tried to introduce compulsory clauses into two or three Acts, and in both instances they were compelled to withdraw them. Further, if Parliament had granted compulsory powers, it would have been bound to grant protection to the long-continued right of renewal, unquestionably possessed by these tenants. The Commissioners say that it is desirable, in the interests of the Church and its property, to abolish this old, wasteful, and improvident system of tenure on renewal by payment of fines. I am afraid that the strong desire of the Ecclesiastical Commissioners to get hold of the land, arises from the motive that they are very valuable lands, and that they have been rendered valuable by the investment of capital of the tenants; because we know that fixity of tenure is the great inducement to the tenant to invest his capital in the land, and I am afraid I must characterize this as a rather unworthy motive. It is said that it is desirable to get possession of the lands in the interest of the Church. I think, however, the interest of the Church would be best promoted by nobler impulses and higher motives than these, and that they would not be promoted by this impatient ardour for acquisition. But we may be told that this is not a question for Parliament. We may be asked, why do not these men go to the Courts of Law? My right hon. Friend (the Chancellor of the Exchequer) said, not very long ago, that Parliament ought always to be extremely careful in interfering with the action of the Courts

of Law. Well, I wish that he had always acted on that wise maxim. But it is precisely because we wish to save our clients—these unfortunate and threatened Petitioners—from the gigantic expenses of a suit at law, that we wish Parliament to take this matter into its own hands. In such a suit they would have to face the Ecclesiastical Commissioners, with funds amounting to something like a million and a-quarter annually at their back. How unequal that contest would be! I hope and trust, therefore, that Parliament will not force these men into a contest against such a power as that. I think I shall be able to show that this is especially a question for Parliament to take into its own hands, and the High Court of Parliament is the fittest tribunal to try the allegation of this Petition. That brings me to the last part of my argument. I say that the faith of Parliament is deeply involved in the solution of this question. My hon. Friend has referred to the proceedings before the Privy Council in 1870, when the customary tenants were heard against the transfer of their estates to the Ecclesiastical Commissioners. The counsel for the Ecclesiastical Commissioners used this language. They actually contended that the Petitioners' estates would not be affected or prejudiced by the scheme of transfer; and my Lord Selborne used this language, and I am sure that anything which falls from him will always be listened to with respect. He said that it may be right when the Commissioners had got the estates to recognize any legal powers and attend to any equitable considerations, but for that they must first have the estates. Well, but this is exactly the declaration we should expect from an eminent and high-minded Equity lawyer; for what is the status of the customary tenants? I believe I am not wrong; but if I am wrong, there are many lawyers present to correct me. I believe that at Common Law the heir of the customary tenant to whom the lord objects, or the customary tenant himself at the expiration of his term cannot enforce his possession against the lord. But whatever rights he possesses must be defended in a Court of Equity, and I believe that one of the earliest functions of the High Court of Equity in this country was to defend the rights of the customary tenants. There-

Lord Eslington

fore, I am not surprised to hear that the greatest Equity lawyer in our land should have made use of these expressions and spoken of these equitable considerations. Were the Petitioners wrong to accept it as a pledge, and will the House allow the Ecclesiastical Commissioners to ignore equitable considerations? This recognition of the right of renewal was not heard for the first time within the walls of the Privy Council. Every Committee and Commission have in their Reports to either branch of the Legislature used the same language and the same phrase. It has, in fact, become a stock phrase, and a key-note in every one of those Reports, that due regard must be had to the long-established right of renewal which the Commissioners now dispute for the first time. But not only have Committees and Commissioners recognized the right which the Petitioners now claim, but great statesmen, Law Officers of the Crown, Prime Ministers of England in their places in Parliament, have repeated the same pledge. Lord Palmerston, Lord Russell, and the Law Officers of the Crown at that time made the same declaration that due regard must be had to the accustomed right of renewal. I would make an appeal to the present Prime Minister. I would ask him to be true to the traditions of his high office, to recall the utterances of eminent Prime Ministers before him, and to pay a due regard to the rights of renewal which these tenants possess. I believe that in doing so he would be doing an act of justice to those whose cause we have to-night humbly, but to the best of our ability, been endeavouring to maintain.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the nature of the estates and interests and the present position of the Customary Tenants of Lands held lately under the Dean and Chapter of Durham, and now under the Ecclesiastical Commissioners for England, by renewable leases made by the Dean and Chapter, who have transferred their estate and interest in such lands to the Commissioners; and to report the opinion of the Committee as to further legislation thereon."—(*Mr. Pease.*)

MR. CUBITT, as a member of the Ecclesiastical Commission, said, the Mover of the Resolution had rather wandered from its strict terms, to which he would confine himself. The Motion and the Petition directed attention, not

to cases of hardship, but to a claim for customary tenure, or, in other words, perpetuity of tenure. The estates of the Dean and Chapter of Durham were not transferred to the Commissioners until 1871, when they were so transferred by Order in Council. Before that time 500 of the 700 leases under which they were demised had been dealt with by voluntary agreements between the Dean and Chapter and the lessees, sanctioned by the Church Estate Commissioners. Therefore, when the Ecclesiastical Commissioners came into possession of the property the leases were few in number compared with the number originally granted. The Commutation Scheme was dated the 3rd of August, 1871, and, according to the Report recently presented to Parliament at the time the scheme was submitted for confirmation, opposition was offered by certain lessees. The Petition was heard in November, and Her Majesty was advised to ratify the scheme. Then the lessees transmitted to the Commission a memorial urging that, if some ancient court rolls were produced, the lessees would be found to have been copyholders before they began, 300 years ago, to be lessees. and that their estates should therefore be treated as customary estates, renewable for ever. The Commissioners declined to entertain this claim, and the memorialists announced their intention to take proceedings in Chancery. The Commissioners had no knowledge of the existence of the court rolls, and, if they were found, they would not countervail the fact of the property having been held like other leaseholds from the establishment of the Chapter on its new foundation in 1555. A large amount of evidence had been taken by the Commission and the Committees between 1837 and 1851, but no such claim was then set up; and the lessees who then advocated the claims of themselves and their co-lessees had all effected the enfranchisement of their leaseholds, either by sale of the leasehold interest or by the purchase of the reversionary interest. The hon. Member who had introduced the Motion did not base his case upon perpetual tenancy, nor did he (Mr. Cubitt) think it could be upheld upon any such foundation; and, that being so, of what use would the proposed inquiry be? He would leave it to Members themselves to decide whether a

Select Committee was a proper tribunal for conducting such an inquiry. He warned those persons in the county of Durham who were inducing the lessees to put forward claims which they could not establish, that great responsibility would rest upon them. Enfranchisement had already been effected to a considerable extent. From a Return made last year it appeared that during the five years ending October 31, 1873, between 70,000 and 80,000 acres of land had been enfranchised, and he believed the number of cases of enfranchisement which had been effected in various ways amounted to about 9,500. The Report of the Commissioners showed that their operations were in a very advanced state; and if the question of perpetuity of tenure were set aside, was there any ground for supposing that they would not be able to deal with the comparatively small matters now in question? At the same time, the Commissioners had only a public duty to discharge, and whatever the judgment of the House might be they would bow to that decision. He could say that the cases of hardship which had been mentioned were wholly unknown to the Commissioners, and that the only claim brought before them had been that for perpetuity of tenure.

MR. GOLDNEY maintained that the petitioners in this case had preferred a claim which was founded in justice. It was all very well to ask what was the use of a Committee; but he, for one, foresaw that it would be productive of great good. A Committee would help Parliament to frame remedial legislation if it were proved that injustice had been done. The lessees in question had for a long time past been trampled upon by the Commissioners. He thought the Commissioners should remember those who had fought the battles of the Church Estates during the Commonwealth. At that period the whole of those estates were sold at 16 or 17 years' purchase, and an Act was passed to confirm those sales. The estates of the Dean and Chapters were exempted from the Act of oblivion. By subsequent Acts it was decided that the claims of lessees should be decided by arbitration, and the Commissioners themselves recognized the claims of the lessees to perpetual renewal. He hoped the hon. Member for Durham (Mr. Pease) would not confine his Motion for

a Committee to inquire into the nature of the capitular estates of Durham, but would strike out the word "Durham," and enable the Committee to deal with capitular estates generally. He held it was perfectly reasonable in the present case that the petitioners should appeal to Parliament against the Commissioners. He thought the House ought to grant the inquiry if for no other purpose than to see the enormous power which the Ecclesiastical Commissioners were becoming possessed of. It had long been the policy of this country to prevent ecclesiastical corporations becoming largely possessed of property, and the House might therefore be surprised to learn that the net income of these Commissioners in the year 1873 was not less than £903,583. There was no complaint made against the Commissioners as regarded the application of the funds; and they were no doubt appropriating them to very useful purposes; but they were doing, on the one hand, a good act at the expense of a serious wrong on the other. He begged to move, as an Amendment, that the words "Dean and Chapter of Durham" be omitted from the Motion, and the words "Deans and Chapters" substituted.

SIR JOSEPH M'KENNA seconded the Amendment.

Amendment proposed, in line 3, to leave out the words "Dean and Chapter of Durham," in order to insert the words "Deans and Chapters,"—(*Mr. Goldney*,)—instead thereof.

Question proposed, "That the words 'Dean and Chapter of Durham' stand part of the Question."

MR. STEVENSON said, that the leaseholders were fully justified in the alarm they felt on account of the way in which the Act of 1860 had been officially stated as applicable to their case. That Act gave 24 years' enjoyment ahead to the leaseholders then under the Commissioners; but those gentlemen were apt to confound Bills with Acts, for the clause in the Bill of 1860 intended to terminate all church leases in 1884 was struck out, and it was not till the Act of 1868 was passed, that power was obtained for the transfer of the Durham capitular estates; and leases were continually and legally renewed up to 1870, some of which therefore did not expire till 1891.

He complained most, however, of the Dean and Chapter consenting to discontinue the customary renewals after 1870, for the system of voluntary enfranchisement had been working admirably, and under it, without any disturbance of the lessees' interests and without any alarm, the desired change of tenure would have been equitably effected. The speech of the hon. Member for Surrey was a renewal of that mixture of alarming pretensions on the one hand, and of vague assurances of tender consideration on the other, with which the Commissioners had treated the lessees. What he himself desired was enfranchisement on an equitable basis. If the Commissioners chose, they could effect this on terms advantageous to the Church and also to the lessees, and the very able agents of the Commission could readily adjust the terms of such a settlement. He felt bound to say that, though after too long delay, a large number of cases of enfranchisement of house property were being effected in his own borough and on very equitable terms, and he saw no reason why leaseholders in the country should not also be fairly dealt with. The houses he referred to were being conveyed to the holder of the existing 21 years leases on new leases of 999 years, at a fixed annual ground-rent, which, however, was to be revised every 100 years, and re-adjusted according to the price of corn. There was also a licence of alienation, costing £2 2s., required every time the property changed hands or was mortgaged or redeemed—a very heavy charge on a small house. The conveyance was very lengthy and wholly in manuscript. He complained also of the severe and elaborate clauses for the reservation and working of minerals which were sought to be imposed even where the Commissioners conveyed the land as freehold for building, reducing the ownership of the ground to nothing more than the use of the surface for tillage. The South Shields School Board successfully resisted the insertion of such monstrous reservations in one case; but in the case of another school site, the same objectionable clauses had again been proposed.

MR. MOWBRAY said, he thought the House but imperfectly realized the importance of this question or the magnitude of the interests involved. This was not so much an inquiry into the con-

duct of the Ecclesiastical Commissioners as into the conduct of Parliament during the last 40 years. The matter was brought under the notice of Parliament in 1837 by Mr. Spring Rice, under the Government of Lord Melbourne; and the Committee which sat in 1838-9 reported that the system of raising revenues by fine, always improvident, was particularly disadvantageous to the Church from the peculiarity of its tenure; that it prevented the investment of capital in the permanent improvement of an estate, put a check upon the extension of buildings in some places where they were very much required, and shut out extensive plots of land from the most improved system of agriculture. From that date the system of leasing Church property then in existence was condemned as vicious, and notice was given that it would soon come altogether to an end. The Commissions and Committees with sat between 1839 and 1850 never reported in favour of perpetual renewal. The Committee of the House of Lords in 1851 reported expressly against the right of perpetual renewal, and they were now asked, after two investigations of the subject by Parliament, to set aside the legislation which had been founded on the Reports of the Committees of this and of the other House of Parliament. The Act of 1851 recognized the rights of the lessees, and under that Act respect had been paid to the long-continued practice of renewal, and what was wanted now was that Parliament should recognize a perpetual right of renewal. The legislation of 1854 and 1860 was still more favourable to the lessees. It had been said that the Ecclesiastical Commissioners had administered the law harshly, and in a sense not contemplated by Parliament. He repudiated that statement. They had followed the course prescribed by Parliament, and the law had been justly and fairly administered. The inquiry which they were invited to make would lead them to remote historical periods; and if it was extended in the way proposed by the hon. Member for Chippenham (Mr. Goldney), it would involve an inquiry into the titles of all the lands possessed by the Ecclesiastical Commissioners. Parliament had decided this question long ago; and it was only because there were so many Members now in the House not acquainted with the

course of legislation on this question that they were asked to re-open it. In the interests, not of the Ecclesiastical Commissioners, who were quite ready for such an inquiry, but in the interests of the consistency of the Legislature he hoped the House would not grant the inquiry.

MR. ASSHETON CROSS said, his only object in rising was to point out to the House what was the actual question before it. Every one who had read the memorial of these parties must have been struck by the fact that they had some notion of their own that they were not leaseholders, but customary tenants, and were entitled to be treated differently from other beneficial lessees, who had come under the operation of the Ecclesiastical Commissioners' Act. That case had to a very great extent broken down, and they had, therefore, brought a sort of imaginary grievance before the House, and the administration of the Ecclesiastical Commissioners was impugned. If these persons claimed any right which they did not now possess, let the question be decided in a Court of Law and not in the House of Commons. The hon. Gentleman who moved the Amendment (Mr. Goldney) wanted to extend the inquiry from the particular, real, or supposed grievance of these persons to the whole acts of the Commissioners. Now, it would be hardly fair, when they were considering a particular grievance, to discuss the whole work of the Ecclesiastical Commissioners without the slightest notice either to the Government or the Ecclesiastical Commissioners. The Commissioners had discharged their difficult duties most thoroughly and most honestly, and the fact that during 25 years no inquiry had been asked or granted into their conduct was a sufficient proof that no great grievance had arisen under their administration. He hoped the House would not now grant any such inquiry; and if the parties whose case had been brought forward suffered any hardship from the character of this Bill, let the question be decided in a Court of Law.

MR. GOLDNEY said, he would withdraw his Amendment, and bring it forward as a substantive Motion.

Amendment, by leave, *withdrawn*.

Main Question put.

The House *divided*:—Ayes 120; Noes 137; Majority 17.

Mr. Mowbray

EDUCATION DEPARTMENT—NEW CODE, 1875.

MOTION FOR AN ADDRESS.

MR. DIXON rose to call attention to the New Code; and to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that the New Code be amended by the omission of Article 19 D."

The hon. Member said, that every new Code issued by the Education Department possessed an increasing interest, in this respect at any rate—that it affected a greater number of persons and interests of increasing magnitude; and the Code had the power of regulating the principles which guided the education of the country to an extent that was not always understood, and certainly had not been fully considered. One point connected with the new Codes issued by the Education Department had not received sufficient attention—namely, the great difficulty of properly discussing their provisions by the House. The Act of 1870 provided that the Code must be laid on the Table of the House for 30 days before it became effective; but it might happen, as in the present instance, that the Easter holidays would deduct a considerable portion of that time, and thus the chance of a Member who wished to bring forward the subject of obtaining priority by ballot on Tuesday was lessened considerably. He had been compelled to bring the matter forward after a consideration of merely a few hours. The exact operation of these Codes, moreover, was very difficult to understand, and how were Members not only to make up their own minds within the 30 days, but to obtain the opinion of those persons in the country to whom hon. Members were accustomed to turn for advice and assistance in such matters? He would suggest to the Government that when any future Code was challenged the Government should be bound to find a night for the discussion before the Code came into operation. He did not approach the Code in any unfriendly spirit. On the contrary, he expressed his gratification—he might almost say his gratitude—to the Vice President of the Committee of Council for the great improvement that the Code had ushered in. The great object of the Code, if he understood it correctly, was to improve the quality of education

in the elementary schools, and that was done by making the condition of the grant more difficult, or, in other words, by making a larger amount of education necessary for the attainment of the same amount of grant. In this feature of the new Code he fully concurred. This matter had been fully discussed by the London and provincial school boards, which agreed that education in the elementary schools was to be chiefly developed by a more complete adoption of the system of payment by results. The difficulty in the way was the necessity for 250 attendances before any grant could be made on the examination in the Standards. It was felt that this necessity had a very discouraging effect upon many schools. It deprived them of grants in the case of children who, though they had not made 250 attendances, were yet able to earn grants by passing in the Standards. The proposition was almost unanimously adopted that the 250 attendances should be done away with, and that a system based upon payment in proportion to increased attainments should be substituted. The new Code did not follow the first part of the recommendation, and he was very much afraid that a very deserving class of schools throughout the country would find that they were in a worse position than they were before. The schools that would mainly suffer would be the board schools in the large towns. He would notice some of the reasons why he thought that effect would be produced. Under Clause 19 A a new condition of the grant was imposed, whereby, in the event of a deficiency of discipline and organization in the school, a deduction of 1s. would be made. To that he did not object. The next point was that the standards were certainly raised very considerably, in this way—that it was necessary that in the higher standards the reading should be “with intelligence.” This was, undoubtedly, an enormous step in advance. Another advance was made in writing, though not to so great an extent. He entirely approved of the provision that from Standard II. upwards the children should be required to pass an elementary examination in grammar, geography, and history; but the effect of this increased stringency of the Code would be to diminish the grant. In time the schools would no doubt work up to the Standard; but for the moment

the effect would be a diminution of the amount of grant earned. Besides, there was an important reduction of 3s. in the grant on reading, writing, and arithmetic—namely, a reduction from 4s. to 3s. in each of those subjects. On the other hand, an advance was promised on the average attendance of children above seven years of age, provided they were to pass the examination creditably in two of the four subjects—grammar, geography, history, and needlework; and an addition was made to the grant for passing in additional subjects. But there was a condition attached to the grant of 4s. on the average attendance—namely, that 40 per cent of the scholars must be presented in Standards IV, V, and VI, and if that condition were not fulfilled the amount would be reduced to 2s. Now, with regard to the probability of the fulfilment of that condition, what was the result of the examinations last year? It was found that only 16 per cent of the children who were present at the examination were presented in Standards IV. and upwards, and therefore an enormous jump had been made all at once from 16 per cent to 40 per cent. So that it was absolutely impossible for some years to come to have the 4s., and it was in reality a question of only 2s. But then there was a condition attached even to the 2s., that condition being that one-half of the children must pass creditably; and what were the chances of one-half passing creditably? He had no figures as to the probable result with respect to the 2s.; but last year the Report showed that of the children on the register of the schools only one-third passed the examination in the three R's. Now, what was required was that 50 per cent of the numbers who had been on the register for three months should pass, and he would ask, if only one-third passed in the three R's last year, what were the probabilities of one-half of the children passing now that the standards were raised? He was inclined to think that the value of the 2s. was very considerably diminished by that consideration. Again, the grant for specific subjects had been increased from 3s. to 4s. That, of course, everybody would approve of; but the value of this increase was diminished by the condition appended, that 75 per cent of those who were present must pass. Whilst strongly

in favour of raising the Code, and whilst he hoped that the same course would be adopted by succeeding Ministers, he could not help thinking that it had been done with too little regard to pecuniary considerations. The schools which would be most disadvantageously affected would, he believed, be the board schools in large towns. With respect to the second part of this subject, he found in Clause 19 B that the schools in the country—the small schools in the rural districts—were not affected by any means in the same way. Instead of trying to uphold the principle of payment by results and, as far as possible, to strengthen and carry it out—even at the cost of a large pecuniary sacrifice in the case of many schools in large towns—he found that instead of trying to carry out that principle still further, the Government was deviating from it, and a re-action was setting in in a direction which was the very reverse of payment by results. Certain grants were to be made without any reference to increased efficiency or greater results. He did not expect to be able to induce the Government to alter their decision in that respect; but he wished to enter his protest, in order that he might reserve to himself the right to oppose any further changes in the same direction. There was another point. There were a great many schools in the country of the kind referred to which were in a somewhat embarrassed condition; and the question we had to consider was whether they should go on struggling as they were now doing under all the disadvantages of want of means, or whether we should adopt what he believed to be the right and proper course—the alternative offered by the Act of 1870, of establishing school boards. He trusted it would not be supposed that he was by any means unfriendly to the Code; he was prepared, with the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), to thank the Vice President of the Council for the admirable provisions there were in it; but he had thought it is duty to make these comments, and he trusted that the Department would see the advantage of having the Code freely and fully discussed.

Motion made, and Question proposed,
 “That an humble Address be presented to Her Majesty, praying that She will be graciously

Mr. Dixon

pleased to direct that the New Code be amended by the omission of Article 19 D.”—(*Mr. Dixon.*)

Mr. W. E. FORSTER said, he was responsible for the clause limiting the time for the Code being laid upon the Table, and for the reason that it was exceedingly inconvenient for managers and teachers to have a Code hung up a long time after it had been promulgated. It was competent for any hon. Member to move a Resolution with regard to it at any time, and he could not conceive any Government disregarding the result. A special case might be made out for special assistance to the schools described in the Article, which was only to come into force when there was only one public elementary school within three miles of a population of not more than 300. There was a great difficulty in getting good schools in villages so situated. The description in the clause meant, generally speaking, a very poor and sparse population. He hoped it would not be supposed that this was a question of school boards *versus* denominational or voluntary schools, for it was quite likely that, taking Wales into account, school boards even at present would be as much benefited as voluntary schools by the arrangement in the Code. He was trying to find out what it would be possible for a school to get with 300 inhabitants within three miles, and he could not see that even a capital school, making the best of the Code in such a position, could at present earn more than £30, and for that sum it would not be possible to get good teachers. On the whole, he should have preferred a larger grant for average attendance in the case of such schools, so reserving the system of payment by results. This, however, after all, was a difference in form rather than reality. In fact, his hon. Friend (Mr. Dixon) while submitting a Motion, to the effect that the Government was giving too much money, had made a speech rather to the effect that they were giving too little. The hon. Member seemed rather to underrate what the Government were giving. The alterations in the Code had been made with a great deal of care in that respect, and he doubted whether any man, however much of an expert, could say exactly whether schools would lose or win. The hon. Member said they would lose; but he did not appear to have quite taken

into consideration that they were much more likely to get money out of an increase of the average attendance than from money paid on individual examinations. Four shillings on the average attendance was very considerably more than 4s. on the passes. He differed from his hon. Friend in regard to the desire he expressed that the provision for 250 attendances should be departed from. While they were aiming at a higher standard of education, their great difficulty was the attendance; and they might depend upon it, that if any relaxation of the kind which the hon. Member suggested were made, there would be a falling-off in the attendance every year. He confessed that he was glad to find that the Government had adopted the principle of the Scotch Code, and had said that something was to be paid for the examination of classes in matters which were not confined to the "Three Rs." The time had quite come in which we might so far deviate from the principle of the Revised Code as to make the examination of the classes one of the things for which a grant should be made. He approved very much of the alteration in the standard which required some knowledge of history and geography. It was quite as easy to give children a complete mastery of reading, and make them learn a little geography and history at the same time, as to do so without touching those subjects at all. Thus far he had approved what had been done; but now he would ask the Vice President of the Council to consider whether his hon. Friend was not right in thinking that the turning of 4s. into 2s., unless 40 per cent of the children above seven passed in Standard IV., was not just now requiring too much? In his opinion, it was impossible for any school to fulfil that condition at present. What he looked forward to was this—that as we improved in the number of attendances, and therefore in the quantity of knowledge imparted, we should have to screw up the Standards from time to time. He was afraid managers and masters of schools would consider that money offered on such terms was a mockery. He understood that the examination under C 1., for which 4s. was to be given, was an examination of classes, and not of each child; and that it would appear by the instructions given to the Inspectors that what was meant

was that some children would be picked out and examined, half of those so examined to pass creditably. He did not object to the stipulation that in order to get the money for special subjects 75 per cent must pass in the Standards; because we must always guard against the danger of masters neglecting the children generally, in order to pass some in the special subjects. His noble Friend was grappling with a difficulty which he himself had not been able to combat—that of making needlework a subject of actual examination. He wished his noble Friend success; but he had found it impossible to carry out the object in view, owing to the difficulty of getting from the Inspectors an adequate knowledge of the subject. His noble Friend was liberal with regard to night schools—in fact, perhaps, too generous. The night school, no doubt, had social advantages; but when it came to a question of granting Government money, he thought a school ought to be open 60 times in the year in order to get it. His noble Friend however, had reduced the number of times from 60 to 40. Neither did he like the reduction of the time from an hour and a-half to one hour. There was danger in such a course, of creating among ignorant persons a notion that when public money was obtained on such terms, the education given was not worth the having. At present, night schools were prevented from sending up scholars for special subjects, but such a restriction ought not to be maintained. It might be said, that when we got to higher education we might rely on the South Kensington grant; but that grant was confined to science, and there were many young people who took naturally to history or literature in preference. He was glad to find that the 15s. limit, which he (Mr. Forster) never could get rid of, was to be abolished. He had lately come to the conclusion that it was working badly, because the expenses were increasing. Few things were more dispiriting to managers and teachers than to find that, having earned the money, they lost it, because, in fact, they had earned it. He should support the present or any other Chancellor of the Exchequer in saying there was another safeguard which it would be most dangerous to pass—that for every shilling of Government money another shilling should be found in the

locality, either in the shape of fees or voluntary contributions. That was the present provision, and if we departed from that we should lose our grasp of the great principle, which had been hitherto maintained, of Government supervision and inspection combined with local interests and local management.

MR. J. G. TALBOT said, he thought the House ought to be grateful to the hon. Member for Birmingham (Mr. Dixon) for bringing this subject under their consideration. Notwithstanding the observations of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), he could not but regret that they had not had more time to consider the new Code, particularly as he understood the Government intended it to be final for some years. He was, however, happy to find, from his inquiries out-of-doors, that the points of difference which were likely to arise were very few, and that the Code was likely to meet with a great amount of approbation; and, if the 40 per cent restriction on the examination of children in special subjects were modified, the higher class of teachers in the metropolis would offer no objection to the rest of the Code. There was only one school in the whole of Westminster—a district which contained a large number of high-class schools—which could pass 40 per cent of its scholars in the three higher Standards—IV., V., and VI.—and that was the upper school of the Wesleyan training college, which was a commercial and not a elementary school. The National Schools of St. James's, Piccadilly, and St. Martin's-in-the-Fields could not, at the present moment, pass 40 per cent of their scholars in the three higher Standards. It must be remembered that every addition to the standard of attainment required was an additional strain on the teachers; and, if they "screwed up" the standards much higher, they would have to add to the teaching power of our schools. The teachers were employed from 9 to 6 o'clock, with an hour for dinner; and the evening was often spent in preparation or in working with pupil-teachers; while in some places, they were under moral compulsion to teach for an hour or two in the evening. It was a great concession, which would be hailed as a boon, that voluntary and uncertified teachers might in future conduct night schools.

Mr. W. E. Forster

He understood from some of the best elementary teachers in London that children were now leaving school at an earlier age than they used to do, and that was because the London bye-laws spoke of 13 as the limit; it was inferred by parents that that was the age at which elementary education was supposed to be completed, and they were only too ready to avail themselves of such a suggestion. As to the special grant of £10 or £15, he did not see why the limit of three miles was inserted, and why a school in a sparsely-populated district should be denied the grant because there might be a school two miles away from it. They had reason, however, to be thankful to the Government for the consideration they had given to the demands of the teachers. As to night schools, in country districts they were of the greatest advantage and importance, because they gave the children an opportunity of making up for that irregularity of attendance which rural occupations rendered inevitable. Although they might not be so essential in manufacturing districts like those represented by the right hon. Member for Bradford (Mr. Forster), in agricultural and rural districts night schools were doing a substantial part of the elementary education of the working classes by filling up, as it were, the interstices of their early training. To understand the Code itself was a serious intellectual study; but as far as he had been able to master it, there seemed to be a provision for letting the girls off some portion of the subjects, which the boys were expected to master, in order that they might devote more time to needlework. He regarded that provision as a great advantage to the community generally, for it was a matter of no small importance that the future wives and mothers of this century should be good needlewomen. Another change for the better was that children should be examined after attending for three months, instead of after a certain number of attendances. The additional grant to the teachers was a great boon; and he would like to know whether this grant should be given to all the pupil teachers who were employed in the best schools or whether only to a minimum number? The postponement of the age clauses would be considered a great advantage, and another sensible alteration was the

reduction of the time of attendance of infants. He thanked his noble Friend (Viscount Sandon) for the practical improvements which he proposed, and thought the House was indebted to the hon. Member (Mr. Dixon) for the opportunity which had been afforded of discussing these important changes. In the schools with which he was acquainted the managers were willing to co-operate with the Government in raising the standard of education as far as it could properly be raised. This end could not be too quickly attained: progress in this, as in other things, to be sure must be expected to be slow.

MR. STORER, in opposing the Motion, said, the inhabitants of rural districts were exposed to greater difficulties in the maintenance of schools than in the urban districts, and paid much higher rates, while the education given in these schools often caused the boys to migrate to the towns, so that they were educated at the farmers' cost but not for the farmers' advantage. He hoped the hon. Member (Mr. Dixon), on consideration, would not grudge these small rural schools the encouragement which the Government had been kind enough to give them under this clause.

MR. STEVENSON asked whether it was within the power of the Education Department to impose a restriction upon the choice of electors, as had been done by declaring that no teacher of an elementary school would be recognized as a member of a school board? Surely this was a question for the consideration of the electors, and it was going beyond the Education Act of 1870, which disqualified from being elected as members of a school board only the teachers of schools under the Board. Such cases must be rare, and it was not well to prevent the electors from availing themselves of the services of experienced teachers.

MR. J. G. HUBBARD thanked the Government for proposing these alterations in the Code. They suggested a decided improvement in the character of the education which was to be given throughout the country. The remarks of the hon. Member for Birmingham (Mr. Dixon), however, as to the difficulty of earning the same amount of assistance as was earned before, seemed to be perfectly well founded. In reference to the requirement that 40 per cent of the children should pass the

three higher Standards, he was informed that a considerable number of the teachers and managers of some of the best voluntary schools in the metropolis were of opinion that even in the best schools, 25 per cent would be nearer the mark than 40. If so, that would make a serious deduction from the amount of assistance to be given to voluntary schools. Whether the board schools excelled or failed in their teaching, their pecuniary position was unimpeachable; because the board could levy additional rates to make up any deficiency in their receipts from the grant. Every restrictive rule in the Code, however, operated seriously on the voluntary schools. The hon. Member for Birmingham recommended the universal adoption of school boards; but before those boards could be made acceptable throughout the country, the Elementary Education Act must be restored to its original form, by which more liberty was given than was the case now for religious teaching. A community that was desirous of having a denominational school could not have it under the Act as it stood at present. The people of Scotland under their Elementary Education Act enjoyed that privilege; and he asked, why should it be denied to the people of England? Without greater freedom of religious teaching, it was idle to talk of establishing school boards all over the land. He suggested very seriously to the Government, that in conducting these revisions of the Code, they should bear in mind the peculiar difficulty under which the voluntary schools were now working. If those schools were to hold their ground, they must regain some portion of their liberty, and the teachers must not be muzzled when they spoke on any subject—least of all when they spoke on a subject of such transcendent importance as religion. He trusted no difficulty would be found in considering the point which had been so well raised by the hon. Member for Birmingham.

MR. KAY-SHUTTLEWORTH complained that the discussion, instead of being confined to the Code, had ranged over the whole subject of the Education Act. His opinion was, that a good deal of exaggeration had been indulged in by both sides. The hon. Member for Birmingham (Mr. Dixon) and his Friends, on the one hand, exaggerated the amount of sectarian feeling thrown into the

teaching in the elementary schools connected with the denominations. But, on the other hand, there was quite as much exaggeration in asserting that the teaching in board schools was purely secular. Returns recently presented, showed that an amount of religious teaching was given in board schools which might fairly satisfy the hon. Gentleman who had last spoken. He begged to thank the noble Lord the Vice President of the Council for the improvements he seemed to have introduced into the Code of this year. Many of the changes now made were such as he and others in that House had urged when the right hon. Member for Bradford (Mr. W. E. Forster) was at the Education Office, and, as a whole, they were in a wise direction. Another improvement was the introduction of a standard above the Sixth, the object of which was to enable children to be presented in extra subjects. This would serve as an inducement to parents to keep their children longer at school. It was, moreover, gratifying to see that in addition to the periodical examinations, it was proposed to have something like a regular system of visits by Inspectors without notice. But, at the same time, he thought that if that system was to be properly carried out, the staff of Inspectors would have to be increased. In regard to the Agricultural Children Act, he was glad to see that facilities had been given for obtaining the certificates needed under it, and he thought that steps should at once be taken with a view to putting that Act into force; inasmuch as there might otherwise be a serious interference with farm work, by suddenly requiring that the children were to be sent to school, after the farmers had been led to think that the old system was to be allowed to go on. As to the Motion of the hon. Member for Birmingham, he thought it a very small matter, affecting but few schools and involving no great principle.

MR. LYON PLAYFAIR said, he hoped the hon. Member for Birmingham would withdraw the Motion which he had submitted. He assumed, in making this suggestion, that his noble Friend would keep to the conditions of the Code as it stood. If the proposition of the hon. Member for West Kent (Mr. J. G. Talbot) was adopted, it would simply be a premium to small schools. If there were any managers of schools

or teachers who complained that the Code established too high a standard, their fears might be allayed by the fact that this was practically the Code which had been in operation in Scotland, where it was found that a great deal more money could be made by that than by any inferior Code. The principle of this improved Code was a very wise one, because it did less for mere mechanical results, and more for intellectual teaching. It infused a higher intelligence into the schools, and it was that higher intelligence which produced the good results. All experience showed that unless schools were forced to pass the higher Standards—above the Fourth—the money spent on the education of the children was almost thrown away, because it was only then that they came to acquire the knowledge that was necessary to fit them for the ordinary business of life. Any increased grant given in that direction was given for permanent results useful to the nation, and he congratulated the noble Lord on the advance he had made in the Code, which would be of great use to the country.

SIR THOMAS ACLAND said, that under the operation of the Code, of late years the tendency had been to push needlework aside, which was a very serious matter with regard to the happiness of the working man's family. He would suggest whether something might not be done to check that tendency, and restore needlework to its proper position in our schools.

VISCOUNT SANDON said, he could not sufficiently thank the House for the cordial reception it had given to the new Revised Code, which, on the part of the Government, he had had the pleasure of laying on the Table a few days ago. He must, however, demur to the complimentary remark of the hon. Member for West Kent (Mr. J. G. Talbot), that in preparing that Code he had risen above the prejudices of the Department to which he belonged, and had struck out a new line for himself. He wished it to be clearly understood that, although the Government had taken much trouble in perfecting the Code, the chief credit in preparing it belonged to Sir Francis Sandford, the head of the permanent staff of the Department, to whose indefatigable labour, mastery of details, and public spirit the merit of the Code was principally owing. Having gone with

Mr. Kay-Shuttleworth

much care into the matter, he was led to believe, upon the best authority, that the effect of the considerable changes to be carried out by the Code—reflecting as it did the idiosyncrasy of England as much as the Scotch Code did the idiosyncrasy of Scotland—would be that ordinary schools would get just as much as before, that good schools would get more, and that very good schools would get a great deal more. That was a result which the House would doubtless wish to see brought about. It was exceedingly difficult to calculate the effect of these large changes, operating as they did over the large surface of more than 2,000,000 of children; but it was hoped that their results would prove satisfactory in every respect. As regarded inspection, he might state that the Government had increased the English staff of Inspectors by 12, and if the number was still too small to secure an efficient system of inspection, it would be increased. An inspection, to be efficient, must not be hurried; it must not consist chiefly of adding up the number of attendances on the part of the children; but it must be such as to awaken the intelligence of the children, and to help and encourage the teachers in their work. He agreed with the suggestion that visits without notice—as they would be termed in future, instead of being called “surprise visits,” which was an objectionable phrase—would be a most valuable mode of increasing the zeal of our school teachers. He would now run rapidly through the points referred to by the hon. Member for Birmingham (Mr. Dixon). In the first place, he believed that the effect of the Code would enable the board schools—which, having the resources of the ratepayers at their backs, would be able to secure efficient teachers—to attain the rank of very good schools. The hon. Member had rather blamed him for putting 1s. of the sum given for attendance upon the discipline and organization of the school; but where children were brought together in large masses, the discipline and the organization of the school become of the utmost importance. The hon. Member had further contended that the Standards were too stringent; but he did not think that, upon consideration, the hon. Member would find that his charge was well founded. The truth was that, under the old system, too much

credit was given for the mere mechanical acquirement of reading, and it was often discovered that the children having got a certain page by heart, were pretending to read with their books turned upside down. Therefore, by working into the mere mechanical reading a little grammar, physical geography, a little knowledge of the geography of England, and a certain amount of history, it was thought that the mind of the child would not be overburdened, and that the teaching would be rendered more lively. He believed also that the acquirement of reading would thus be rendered more easy. Those were the principal additions which the Government had made to the Standards. They, however, had ventured to require that the children should learn certain standard passages of poetry; and, by adopting this rather high type of education, they had not taken a mere theoretical flight, but had adopted a course that was essentially popular among the poorer classes, and he hoped that the minds of the children would be impressed with the lines taken from many of our best authors, and that these might sometimes be a consolation to them in their hours of labour. The hon. Member had complained of the vote of £10 or £15 in aid of the small board schools; but he had overlooked the fact that that sum was not merely put into the pockets of such schools without any return being required, inasmuch as to get that £10 or £15 they must first obtain £30 to meet it. He did not see his way to get effective schools in the midst of small populations without affording some stimulus of this kind. In a population of 300 there ought to be 50 children at school, and there was to be a certificated teacher, who should be a woman, part of whose duty would be to manage the rough boys of the district. She ought to have £60 a-year, but how was this to be secured without some provision of this sort? Under these circumstances, therefore, he felt that he could appeal with confidence to the hon. Member not to press that part of his Motion which related to this subject. In reducing the grant from 4s. to 2s. for grammar and geography unless 40 per cent of the scholars were presented under the Fourth Standard, their object was to induce teachers to push their scholars into the upper Standards.

The observations that had been made on the subject of the alteration by his right hon. Friend the Member for Bradford (Mr. W. E. Forster) and other hon. Members would, he could assure the House, receive the most careful consideration of the Department. Allusion had also been made to the night schools, to which he might say he attached much importance. Whether or not night schools were to become part of the general system of the education of the country was a problem which probably those who came after them would settle. Children now left, and would, he feared, continue to leave the schools at 10, 11, or 12 years of age, and it would be difficult, if not impossible, for them not to lose most of what they had learnt at school. He imagined that when the State adopted the principle that the people should be educated, it was intended that even if children did not remain at school after the age of 12 they should retain what they had already acquired, and no way of enabling them to keep the education they had got was so good as leading them to attend night school voluntarily. It was therefore worth while for the State to encourage them to do so. His right hon. Friend had referred to the fact that there had been an alteration of the hours of teaching—that alteration had been made after much consideration, and had been made in the hope that if instead of an hour-and-a-half's dry teaching they substituted an hour of steady work with a half-hour of singing and other subjects of attraction, a greater number of children would be induced to attend the schools. They were also prepared to allow volunteer teachers to attend the night schools, provided the Inspectors passed them as qualified—in the hope of enlisting a great deal of the educational enthusiasm of the country in the work in which they were engaged. The suggestion of his right hon. Friend that grants should be given for special subjects in the night schools would receive careful attention; but it was one as to which he could not give an answer off-hand, concerning, as it did, the Treasury as well as the Educational Department. He (Viscount Sandon) thought he had touched on all the principal subjects alluded to in the debate, and he was glad to find that the hon. Member for West Kent (Mr. J. G. Talbot) supported the Government, be-

cause he had large experience in the question of education. The hon. Member for South Shields (Mr. Stevenson) demurred to the provision forbidding masters of schools to be members of school boards. In the Department they had looked at this point from the side of the schools, and thought it their duty to follow former rules prohibiting schoolmasters from undertaking any business which would interfere with their school duties. But they had no idea of casting a slur upon the masters or teachers, many of whom were far superior to some of the members of small school boards. This was a complicated matter, and before he could give any answer with regard to it he must consult the Lord President and others. He quite concurred in what the hon. Member for North Devon (Sir Thomas Acland) had said as to the importance of teaching the girls in the schools needlework, and could assure him that the subject had not been overlooked. Within the last fortnight he had communicated with every Inspector in England on the subject, and a large number of them had assured him that needlework was well taught; and the object in view was that every encouragement should be given to that branch of instruction. It was said that girls were oppressed with an undue amount of arithmetic; but the fact was that the general usage of the Inspectors had been to put to girls less difficult questions on arithmetic than to boys because they found that they were rather over-burdened with needlework. It was not the case that needlework was to be treated as an extra subject; but a provision was made to meet the views that had been expressed. It was absolutely necessary that the girls should learn needlework, or the schools would not get the grant; and if the girls did the work in the presence of the Inspectors, and it was taught systematically, they would get a grant of 2s. more. He altogether sympathized with the wish of the hon. Member for North Devon that everything that was possible should be done to improve the homes of the labourers, and that they should have good and practical wives, and he would venture to call attention to the specific subjects in the 4th Schedule—mechanics, physiology, and all sorts of grand things—to which he had ventured to add “domestic economy” for girls, which in-

Viscount Sandon

cluded the subjects of food and its preparation; clothing and materials. The dwelling; warming, cleaning, and ventilation. Washing materials and their use. Rules for health; the management of a sick room. Cottage income, expenditure, and savings, in which subjects if they passed they would obtain an extra grant of 4*s.*, just as boys would in physical geography. In the present Code the Government had endeavoured to carry out the promises they made last year. Their great object was to secure that there were thoroughly good schools within the reach of all the population of this country, providing that sort of education which the best class of labourers would think most fitted for their children. In that object he trusted they would succeed. He thanked the House for the support they had received, and he looked forward to considerable effects resulting from an improved Code which had been the joint work of hon. Gentlemen on both sides of the House.

Motion, by leave, *withdrawn*.

CORRUPT PRACTICES AT PARLIAMENTARY ELECTIONS.

MOTION FOR A SELECT COMMITTEE.

THE ATTORNEY GENERAL said, he had on a former occasion explained to the House that the Acts on the subject of Corrupt Practices at Elections and Election Petitions would shortly expire, and, in conformity with the pledge he had given to the hon. and learned Member for Dewsbury (Mr. Serjeant Simon), he begged now to move that a Select Committee be appointed.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of 'The Corrupt Practices Prevention Act, 1854,' 'The Parliamentary Elections Act, 1868,' and 'The Corrupt Practices Commissioners Expenses Act, 1869,' and the several Acts by which the same have been respectively continued and amended, and to report whether any and what further measures are necessary for the prevention of Corrupt Practices at Parliamentary Elections."—(*Mr. Attorney General.*)

MR. CHARLES LEWIS proposed, as an Amendment, to add, "and what, if any, improvements may be made in the law relating to the trial of Election Petitions." He feared the concluding words of the Motion would have the effect of narrowing the inquiry. Many

hon. Members believed there was no necessity for imposing on candidates for seats in the House more restrictions with reference to corrupt practices, and as regarded the modern trial of Election Petitions, they were not satisfied with the present system, and therefore were anxious to satisfy themselves that this inquiry would not be entered upon with a foregone conclusion. If an understanding could be arrived at that the inquiry and Report should not be limited, both sides of the House would be content.

Amendment proposed,

At the end of the Question, to add the words "and what, if any, improvements may be made in the Law relating to the trial of Election Petitions."—(*Mr. Charles Lewis.*)

Question proposed, "That those words be there added."

MR. SERJEANT SIMON said, he believed there was no substantial difference between the Attorney General and himself with regard to the Motion before the House; but he wished to add at the end of the hon. and learned Gentleman's Motion the words, "for the trial and determination of Parliamentary Election Petitions, and otherwise to amend the Parliamentary Elections Act, 1868." His object was merely to guide the Committee as to the subject-matter on which they would have to Report. He thought they ought to give the new system a fair trial; but they had observed it far enough to see that it had not worked with such success as to be incapable of improvement. If the hon. and learned Attorney General thought the words of his Amendment were too large he should be glad to accept any limitation which might be considered desirable.

MR. GREGORY said, he thought it would be well for the Attorney General to consider the suggestion thrown out by the hon. and learned Member for Londonderry, that the two last lines of the original Motion should be struck out, and that the Committee should be simply one of inquiry into all these Acts.

MR. O'CONOR supported the Amendment of the hon. and learned Member for Londonderry. He was anxious to see a Committee which would have the largest possible powers of inquiry, and he should altogether object to limiting the scope of that inquiry. It ought to have power to go into the Act of 1868,

and to suggest any alterations it might think proper as to the constitution of the Court. He also thought that all the three countries—England, Ireland, and Scotland—should be represented on the Committee.

SIR GEORGE BOWYER objected to the Amendment of the hon. and learned Member opposite (Mr. C. Lewis), as it would give the Committee more work than it could do in the present Session. Instead of one Committee there might be two if the Amendments were accepted—one to inquire into the working of the Prevention of Corrupt Practices Act, and the other to inquire as to the Act of 1868, also to devise the best mode of obviating its defects, and to decide questions affecting the validity of Returns.

THE ATTORNEY GENERAL explained that although the Motion had not been brought on at the previous night's sitting, he had, at the close of that sitting, given Notice that he would bring it on the next evening. Nothing was further from his intention than to limit the scope of the inquiry by the last words of the Motion. It was his desire that the Committee should inquire into the operation of the three Acts of Parliament and examine whether they had worked well or worked ill, and what Amendments should be made in them. He would have no objection, however, to leave out the concluding words of his Motion—namely, "whether any and what further measures are necessary for the prevention of Corrupt Practices at Parliamentary elections," and to substitute for them the words "and to report them to the House."

MR. O'CONOR stated that he had not intended to impute any irregularity whatever to the hon. and learned Gentleman.

Amendment, by leave, *withdrawn*.

Amendment proposed, to leave out from the word "report," to the end of the Question, in order to add the words "thereon to the House,"—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Mr. O'Conor

Select Committee *appointed*, "to inquire into the operation of 'The Corrupt Practices Prevention Act, 1854,' 'The Parliamentary Elections Act, 1868,' and 'The Corrupt Practices Commissioners Expenses Act, 1869,' and the several Acts by which the same have been respectively continued and amended, and to report thereon to the House."

And, on March 18, Committee *nominated* as follows:—Mr. CUBITT, Mr. GIBSON, Mr. HERSCHELL, Mr. LEATHAM, Mr. CHARLES LEWIS, Mr. LOWE, Sir COLMAN O'LOGHLEN, Mr. RODWELL, Mr. SERJEANT SIMON, Mr. MARK STEWART, Mr. J. G. TALBOT, Mr. SPENCER WALPOLE, Mr. WHITBREAD, Mr. VILLIERS, and Mr. ATTORNEY GENERAL:—Power to send for persons, papers, and records; Five to be the quorum.

FOREIGN LOANS REGISTRATION BILL.

(Mr. Henry B. Sheridan, Mr. M'Lagan.)

[BILL 60.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Sheridan).

THE CHANCELLOR OF THE EXCHEQUER said, he would assent to the second reading, on the understanding that the Bill should not proceed further until the Select Committee had had an opportunity of examining it.

Motion *agreed to*.

Bill *committed* to the Select Committee on Loans to Foreign States.

PUBLIC WORSHIP FACILITIES BILL.

[BILL 22.]

(Mr. Salt, Mr. Cawley, Mr. Cowper-Temple, Mr. Norwood, Sir Henry Wolff.)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March], "That Mr. Speaker do now leave the Chair for Committee on the Public Worship Facilities Bill;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(Mr. Monk),—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

MR. J. G. TALBOT was quite ready to admit that there were grievances which this Bill would meet, and which, as an attached member of the Church of England, he did not desire should remain unredressed. It was undesirable, however, to alter any part of their ecclesiastical arrangements without showing absolute ground for making such an alteration, and this Bill would make a considerable alteration in their parochial system. The case which he had been especially anxious to meet was that in which an incumbent neglected the cure of souls committed to his charge, and, at the same time, prevented anybody else from doing so. If the hon. Member for Gloucester (Mr. Monk) would withdraw his Amendment he would propose not merely that the Bill but that the whole subject should be referred to a Select Committee.

MR. RAIKES, while admitting that the Bill intended to carry out a very desirable object, observed that it affected, to a considerable extent, the whole fabric of the Church establishment in this country. In its essential principle the Bill was opposed to the parochial system, and substituted for it another system, which, while it might be a good one, ought, at all events, not to be adopted without the fullest deliberation and inquiry. If the Bill became law it would constitute in every parish, to which it applied, a divided authority, and would establish a system under which two clergymen of the Church of England would be the only two men in the parish who under no circumstances would speak to each other. It would create a state of schism within the Church which they had hitherto believed was to be found only in bodies outside of the Church, and would give facilities to parties in the Church to carry out those extreme tendencies on the one side or the other which they thought they had gone a long way to repress by the Act of last year. The hon. Member for Christchurch (Sir H. Drummond Wolff) spoke of providing churches of refuge in the Church of England; but he (Mr. Raikes) thought that the existence of these little ecclesiastical Alsatias was alien to the principle of an Establishment. The Bill would also create a new sacerdotal caste within the Church of England. It would establish an order of clergymen who would not have the cure of souls,

but who would be preachers, and it would recognize a sort of regular order of clergy as opposed to the secular order of clergy. The clergy to be appointed under the Bill would only have the power to administer the rites of the Church in the buildings in which they were entitled to preach; and therefore if any members of their congregation happened to be in *extremis* they would have to call on the incumbents whose services they had discarded, or the preachers whom they followed must break the law in order to administer to them on their death-beds the last rites of the Church. The most obvious objection, however, to the Bill was that it was the corollary of disestablishment, and ought not to be proposed first. In a parish where the incumbent was unpopular another clergyman would be introduced, who would probably be a good preacher, and who would therefore attract a large number from the parish church. They would thus see the parish church empty, and the man who did no apparent work receiving the emoluments; and if they desired it they could scarcely have a stronger argument for disestablishment. He hoped, therefore, that the hon. Member for Stafford (Mr. Salt) would consent to refer the Bill to a Select Committee.

SIR H. DRUMMOND WOLFF said, he only desired in supporting the Bill to promote union in the Church. On the whole, he thought the best course would be to adopt the proposal to refer the Bill to a Select Committee.

MR. WHITWELL said, he hoped the hon. Member for Gloucester (Mr. Monk) would withdraw his Amendment. He took an entirely different view of the subject from that taken by the hon. Member for Chester (Mr. Raikes), and trusted that it would be referred to a Committee upstairs.

MR. BERESFORD HOPE said, the Notice Paper showed that it would not be an easy matter to get the Bill through Committee. He thought the hon. Member for Stafford (Mr. Salt) would best consult his own intentions in agreeing to the Motion to refer it to a Select Committee, where the subject could be thoroughly thrashed out, and where, at the same time, the hon. Member for Gloucester (Mr. Monk) would have the best opportunity of stating his objections to this measure.

Mr. ASSHETON said, when he came to look with quiet attention at this question he saw the necessity for considering it seriously. There was one reason why he wished to touch upon the subject, and it was this—that there was no provision in the Bill for payment of clergymen who might be appointed to officiate in licensed houses. Now, that was wrong. It was to any clergyman who might officiate in such houses a question of bread and butter, and if provision in the way of payment were not made for him, how was he to subsist? If the hon. Member for Gloucester pressed his Amendment he would vote with him.

Mr. ASSHETON CROSS observed, that the object of the hon. Member for Stafford was to give further facilities for public worship. No one could doubt that there were cases in which incumbents were unable to afford the facilities which were required by their parishioners. The Bill, there was no doubt, had been viewed with considerable alarm in some quarters as being calculated to produce discord rather than unity in several parishes in the country. But he thought the hon. Member deserved the thanks of the House for the way in which he had dealt with this subject last Session and this Session. The hon. Gentleman's object was the good of the Church of England. He (Mr. Cross) believed that the subject required some further discussion, and that the best course to adopt would be to refer the Bill to a Select Committee. He therefore hoped the hon. Member for Gloucester would withdraw his Amendment.

Mr. MONK, concurring in the opinion that the Bill ought to be referred to a Select Committee, was willing to withdraw his Amendment.

Mr. SALT, referring to the observations of the hon. Member for Chester (Mr. Raikes), said, he demurred to that hon. Gentleman's theories, and had very great doubt about his facts. He accepted the proposal to refer the Bill to a Select Committee, not only with readiness, but with gratitude.

Amendment, by leave, *withdrawn*.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Order for Committee of the whole House be discharged, and that the Bill be referred to a Select Committee, with power to report upon the present facilities for providing additional

means of worship in parishes, with or without the consent of the incumbent, and also upon the desirability of extending such facilities,"—(Mr. J. G. Talbot.)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Order for Committee of the whole House *discharged*:—Bill referred to a Select Committee, with power to report upon the present facilities for providing additional means of worship in parishes, with or without the consent of the incumbent, and also upon the desirability of extending such facilities.

SUPERANNUATION ACT (1859) AMENDMENT BILL.—[BILL 64.]

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.)

THIRD READING.

Order for Third Reading read.

Mr. W. H. SMITH, in moving that the Bill be now read the third time, said, it would be impossible for the Government to accept the Amendment which had been placed on the Paper by his hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane)—who was not now in his place—namely, to re-commit the Bill. The Bill was based on the principle that a superannuation should be based on the average of the last three years' salary of the officer about to be superannuated. No doubt cases of hardship might occasionally arise; but it would be better to deal with them in an exceptional manner, as the Treasury could do by laying a Minute before Parliament, stating the particulars, instead of altering the whole law, and allowing the Departments to deal with such cases in a way that might occasionally provoke remarks and cause injury to the public services.

Motion made, and Question proposed "That the Bill be now read the third time."—(Mr. W. H. Smith.)

Motion *agreed to*.

Bill read the third time, and *passed*.

LINEN AND YARN HALLS (DUBLIN) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend an Act passed in the ninth year of the reign of His late Majesty King George the Fourth, chapter sixty-two, so far as the same relates to the Linen and Yarn Halls

in the city of Dublin, *ordered* to be brought in by Sir MICHAEL HICKS-BRACH and Mr. SOLICITOR GENERAL for IRELAND.

TRAINING SCHOOLS AND SHIPS BILL.

On Motion of Captain PIM, Bill for the provision, regulation, and maintenance of County Training Schools and Training Ships, *ordered* to be brought in by Captain PIM and Mr. COOPER.

Bill *presented*, and read the first time. [Bill 89.]

MUTINY BILL.

On Motion of Mr. RAIKES, Bill for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters, *ordered* to be brought in by Mr. RAIKES, Mr. Secretary HARDY, and The JUDGE ADVOCATE.

Bill *presented*, and read the first time.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty, for the services of the years ending the 31st day of March 1874 and 1875, the sum of £880,522 1s. 4d. be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*.

Committee to sit again *To-morrow*.

House adjourned at a quarter after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, 10th March, 1875.

MINUTES.]—WAYS AND MEANS—*Resolution* [March 9] *reported*.

PUBLIC BILLS—*Ordered*—*First Reading*—Mercantile Marine Hospital Service* [91]; Consolidated Fund (£880,522 1s. 4d.)*.

First Reading—Linen and Yarn Halls (Dublin)* [90].

Second Reading—Hypothec (Scotland) [5], *put off*; Matrimonial Causes and Marriage Law (Ireland) [79]; Mutiny.

HYPOTHEC (SCOTLAND) BILL—[BILL 5.] (Mr. Vans-Agnew, Mr. Baillie Hamilton, Sir William Stirling-Maxwell, Sir George Douglas.)

SECOND READING.

Order for Second Reading read.

MR. VANS AGNEW: In asking the House to read a second time a Bill to abolish the landlords' right of hypothec, except as regards dwelling-houses, in Scotland, I fear that I must trespass on its patience for a short time, and I must ask for its indulgence while I deal with a subject which is of a dry and some-

what technical nature. It is much to be regretted that, on former occasions, this has been treated rather as a party question than as what it truly is—one of political economy, and it is the latter sense that I ask hon. Members on both sides of the House to consider it. I am aware that there is authority entitled to the utmost respect in favour of the maintenance of the law of hypothec, for a Royal Commission which was appointed in 1864 reported in the following year in favour of retaining the principles of the law, but recommended the removal of some of its most objectionable provisions, and Parliament in 1867 passed an Act carrying out, with one not very important exception, all the recommendations of the Royal Commission, thus sanctioning at that time the law as it now is; and later a Select Committee of the House of Lords sat in 1869, and reported their opinion that no further change was required, and that it was premature to make one. Besides, in the last Parliament several Bills were rejected, the object of which was to abolish generally the right of hypothec. I will admit further that the strongest opinions and feelings against the law were formed and entertained before the amending Act was passed in 1867. Still, it has failed to satisfy the country at large; the privilege of hypothec is complained of as bitterly as ever, and we may believe that those who wear it know best where the shoe pinches. The Bill to which I have to direct the attention of the House consists of one clause only; to abolish the agricultural landlord's rights of hypothec. It does not effect house property; it reserves the right of landlords during the currency of existing leases, and it is proposed that it shall not come into operation till Martinmas (November 11), 1876. If we were to approach this subject from the same standpoint as the last Parliament did, or even if this were the same measure as that which was rejected by the last House of Commons, I will admit that it would be presumptuous in me, or any hon. Member to ask Parliament to reverse the decision which it then pronounced; but I hope to show the House that the circumstances and the Bill are different. During the latter part of the life of the last Parliament several single elections took place in Scotland, and they all turned on what were called the farmers' ques-

tions, of which this of hypothec was the most important; and so entirely was this recognized at the late General Election, that every candidate who wooed a Scotch constituency, avowed himself willing to abolish, or at least not to oppose the abolition of the law of agricultural hypothec; and the result is that the Members who represent Scotland are practically unanimous in supporting the Bill. There may be a few exceptions; but I shall be surprised if the division does not show that by 10 to 1 Scotch Members are in favour of the second reading of this Bill. I do not mean to say that because Scotland, as far as it can constitutionally express its opinion, is all but unanimous in asking for the abolition of the agricultural landlord's right of hypothec, therefore the House ought to pass this Bill. I might almost ground my Motion on the fact that a part of the United Kingdom whose laws and conditions differ from those in the rest of the Kingdom, desires a change in a law which affects it alone, with an amount of agreement which is perfectly unprecedented; but that is hardly a constitutional doctrine, though at least an argument for bespeaking careful examination of the subject. I propose, therefore, to state the objections to the law as far as it concerns agriculture, and to show that its abolition will be advantageous to the whole agricultural interest. The objections to this law are comparatively recent, and are mainly caused by the change which has taken place of late years, within the memory of most of the Members of this House, in the relative amount of capital invested in Scotland by landlords and tenants in the cultivation of the soil. I do not mean to dwell on the very great impulse which has been given to the agriculture of Scotland of late years; but I may remind the House that it is only 50 years since bones were introduced as a fertilizing agent, little more than 30 years since guano was first imported, that practical agricultural chemistry dates no further back, and that the immense trade in artificial or chemical manures has grown up within that time. This has caused a very large increase in the capital invested in Scotland in farming, and a very large increase in the produce raised, and it will not be disputed that the extra manures have been paid for by the tenants, and that the capital required to culti-

vate a farm profitably, and to pay the increased rents now given in Scotland, is much greater than it used to be. This being so, the policy of the law of hypothec was called in question. I myself have thought the objections to it well founded—as was admitted by the Royal Commission and by Parliament—and with others I was willing that the amended law of 1867 should have a fair trial, and that legislation on the subject should be gradual and tentative. It has had that trial, and it has been found wanting. It has not settled the question, and I now ask the House to read a second time a Bill which I believe will do so with benefit to every class engaged in the agriculture of Scotland. I propose to consider its effect on the farmer with capital, the landlord, and the small farmer; and in the observations I shall make, I mean the arable, not the pastoral farmer. In the first place, I will say that the principle of this law was perfectly equitable in its origin, and that its operation in times gone by has been beneficial to many tenant farmers. I am not one of those who declaim against it as unjust, or as a piece of class legislation; but I maintain that it has done its work, and that, like the leading strings of a child who can walk alone, it can only fetter and restrain the agriculture of Scotland, which no longer requires its support. To understand the origin of this law, we must glance back for a moment to a much earlier state of society, when all land was held, not by a legal fiction, but in reality, direct from the Crown or other feudal superior, when the law commanded little or no respect, and the old rule was in full force, that he should take who had the power and he should keep who could. In those early days, what little corn was grown—and no more was grown than would barely feed a scanty population—was absolutely the property of the owner of the soil, who supplied the seed, and employed, maintained, and protected the cultivator. From that time to this, the relation of owner and cultivator has developed into that of landlord and tenant through the various stages of a fixed share in the produce being given to the cultivator, the introduction of tacks or leases, under which a mail, or fixed amount of grain, cattle, and other things—but little money—was paid to the landlord, and the present system of a fixed money rent,

Mr. Vans Agnew

or a fixed quantity of grain, commuted into money according to the fiars' prices, or the average annual market value as officially declared every Spring. Through all these various changes, the presumption which has underlaid the law on the subject is that the stock and crop on his land are the property of the landlord, as was once the case. This principle, established by ancient decisions of early Judges in the Scottish Courts of Law and the privilege founded on it of a preferential right to everything on the farm, once called "the privilege of the master of the ground," was continued after the introduction of leases and fixed rents under the law of hypothec. This principle is thus laid down in Erskine's Institutes (B II., Tit. VI., sec. 56). The landlord's right of hypothec in rural subjects is a "real right in the fruits of the ground, and in the cattle brought up on it by the tenant," and in sec. 57. "All fruits while growing belong truly to the proprietor of the ground in consequence of his right of property." By the law of hypothec prior to 1867, in so far as agricultural subjects were concerned, a landlord had a preference for his rent over the crop of the year for which that rent was due, however long that crop remained unconsumed, and a preference over the live stock for the rent of the current year, this latter right expiring three months after the last conventional term of payment of the rent for the year. He had also a similar preferential right over all goods and chattels for the current year's rent. By the amending law of 1867, it was enacted that over agricultural produce sold, delivered, and paid for the right of hypothec should cease, and its duration in other cases was limited to three months after the last term of payment; and household furniture, implements, manures, lime, drain-pipes, feeding stuffs, &c., were exempted from it. This to a great extent mitigated the harshness of the old law, but as it was left the present law is this—Not only after rent has become due, but before any rent is due, a landlord may apply to the Sheriff for a sequestration on reasons given, which, if applied for, would be granted as a matter of course, and may prevent his tenant selling crop or cattle as long as any part of the rent for the year in which the crop is grown remains unpaid, and in the case of cattle as long as any part of the cur-

rent year's rent is unpaid, this power terminating in both cases three months after the last conventional term of payment of rent. The tenant can be relieved from this sequestration before the term of payment only by finding security for payment of his rent, and after it only by payment in full. Now, in early times, when little or no capital was expended by the tenant, and the landlord was the principal or only creditor, such a law had its uses. The tenants, far poorer as a class than they are now, were more dependent on the seasons, and the landlord, having a right to all the tenant possessed on his farm, was able without risk to himself to give him credit in bad times to the full value of his whole property. The law operated beneficially in obtaining for the tenant credit from his largest, if not his sole, creditor. But does this same law at this date add to or diminish the credit of the farmers of Scotland? I maintain that its effect is injurious to them. The landlord is no longer the sole, or even the largest, creditor of the farmer. The money spent on seed, artificial and imported manures, implements, and labour, exceeds, and in some cases very largely exceeds, the amount of the rent. But there is one with whom the farmer is in closer relation than any other, and that is his banker. It is to him and not to his landlord, that a farmer would go in any temporary pressure, and it is of the greatest importance to him to maintain his credit at the bank. In so far as a preference is given to any one of the farmer's creditors to that extent his credit is reduced as concerns each of the others; but credit is very sensitive, and the landlord's privilege injures the farmer's general credit with the public in a greater measure that it increases it with his landlord. It will not be disputed that it is a national advantage that the greatest possible amount of produce should be raised at the least possible cost, and agriculture, like all other industries, is most successful when capital is invested in it and judiciously expended. Now, I have shown that a very great part of the capital invested in farming in Scotland belongs to the tenants, and the best authorities tell us that, taking one year with another, they do not make a profit of more than 8 per cent, which is much less than the ordinary profit of other trades, but is in

some degree compensated by the healthy life, the agreeable occupation, and the lightness of the risk. Now, I claim for the Scottish farmer that, having invested his capital, he should have the utmost commercial freedom, and be placed in the best position as regards credit; so that, being thus enabled to carry on his business under the most favourable conditions, he may augment his production, and, by so doing, add to the national wealth. While attaining this result his own profits will increase, and, as a necessary consequence—to which I beg to call the attention of those who think the landowner may be injured—the value of land will rise. It is asserted, also, that by the existing law men without means are tempted to offer for farms, and that, having nothing to lose, they offer more than farms are worth, thus increasing the competition for land and raising rents unduly. There is no doubt that theoretically this must be the consequence of the law, and, if it has had this effect in practice—and I believe it has in some cases—it is an evil, and an additional reason for change. But on this point I agree fully with the Royal Commissioners who, in 1865, reported as their opinion, that it was not “a general practice among landlords, in reliance on the security which the law of hypothec affords them, to entrust their farms to a class of tenants whom otherwise they would not be disposed to accept.” I think that land, like everything else, will find, and does find, its true value in the open market, and that the competition of men without sufficient capital is much more fostered by the custom of back-renting than by the landlord’s right. Allow me to explain the term back-renting. In some parts of Scotland, a tenant pays his first half-year’s rent six months after he enters a farm, the second at the end of the year, and so on to the end of the lease. He pays before he has reaped a crop, and is said to be fore-rented. In other parts of Scotland, and by far the greater part of it, a tenant does not pay any rent till he has been a year or a year and a-half in the farm—sometimes as much as two years. He does not pay any rent till he has reaped a crop, and he is said to be back-rented. In the first case, the tenant on entering must have sufficient capital to pay a year’s rent before he has sold a crop; in the second, the ten-

ant need not have so much capital, and he looks to the sale of his first crop to pay his first year’s rent. One of the natural effects of the abolition of the right of hypothec will certainly be that the practice of back-renting will in a great measure cease, and landlords will require earlier payments than they have hitherto done. If, on the one hand, this result may not be agreeable to the tenant-farmers, and I know that it will not, on the other, they will be relieved to some extent of the competition of which they complain. If, then, by this law, a tenant can be sequestrated before rent is due; if his credit is diminished, and the expenditure of his capital thereby discouraged; if, in some cases, competition by men without capital is stimulated and rents are thus unduly raised, there are good grounds for removing it from the Statute Book. This brings me to the consideration of the subject as it affects the landlords of Scotland, and I hope to be able to show that they can dispense with the preference now secured to them by the existing law. First, I would say that this privilege is of little importance to them, and this is shown by the fact that it is very seldom exercised. It was stated in the Report of the Royal Commission, when the old law was in force, under which the powers of the landlord were much greater than they now are—

“It is a circumstance highly creditable, both to landlords and tenants throughout Scotland, that, taking the country as a whole, sequestrations for rent are of rare occurrence.”

And I find by a Return of the number of “petitions for sequestrations for rent for agricultural subjects,” which was moved for by the hon. and gallant General opposite, that the whole amount for which such petitions had been applied for in 6½ years, since the passing of the amending Act of 1867, is £171,182, or an average of £26,335 a-year in all Scotland, which is only 7s. 6d. per cent on the gross rental, and the warrants for sale are not one-third of that, or less than one-eighth per cent of rental. Another suggestive fact is this—that a great proportion of the landlords of Scotland do not collect their rents till after the period during which they could exercise the right of hypothec, thus voluntarily placing themselves in the same position as ordinary creditors. Again, leases are all but universal in

Mr. Vans Agnew

Scotland, and this Bill does not touch farms held under existing leases, and, to meet the cases in which leases do not exist, the date proposed for its coming into operation is 11th November, 1876, thus giving time to landlords to give 12 months' notice to tenants without leases of any conditions they may require in consequence of the change in the law. A landlord may secure himself in many ways if he wishes a further guarantee than his knowledge of the character and circumstances of the tenant. He may have a sum of money deposited in bank, as is done for the value of tillages in Prussia. He may have payment in advance. He may require to have third parties as securities, or, on the ground that his security is lessened, he may require a higher rent to cover the risk than he would now accept—if he can get it. In any one of these ways, he can take care of himself, and, therefore, the right of hypothec is unnecessary for his protection. A point has been made by those who wish to maintain this law, that its abolition will reduce the value of securities on land. If I was of that opinion, I should be an advocate for its continuance, for it is only if the value of the land itself is deteriorated that that of the security over it can fall; but if the existing law operates to check the flow of capital to the cultivation of the soil, as it is believed and felt to do, its removal will have the contrary effect, and the result will be "increased produce," "higher rents," "greater value in the land," and thus better security to the lender. But it will be said that the lender may not think so, and is not a party to the transaction, and it is quite right that he should be satisfied. First, let me remind the House of the condition of Scotland as to this. It is only a proportion of the land which is held under mortgage, for much is under strict entail, and cannot be burdened. As to that which is mortgaged, the custom is that money is borrowed, not for a fixed, but for an indefinite time, and may be called up on certain notice at any term of Whitsunday or Martinmas. If, then, a creditor should think he is not as safe as he was, he can call up his money, and as it is not proposed that the Act is to come into operation before November, 1876, and existing leases are not affected by it, he runs no risk at all. An extreme

case has been put to me by an advocate of the existing law, and, if I can meet it, I think I shall have disposed of this head of objection. It is this—Suppose a small estate, mortgaged as heavily as possible, belonging to a man who has no other means, and all let to one tenant, and that tenant to fail suddenly, the landlord would not have the means of paying the interest on the mortgage. The answer is this—If such an estate is under lease, the Bill will not affect it till the expiry of the lease, and if it is not, then not till 11th November, 1876. In either case the landlord will have the opportunity to enter into a new lease, in which he can stipulate for security for punctual payment of rent. Should he neglect to do so he would only have himself to blame, and in such a case would be compelled to do so by his creditor. It is admitted by those who wish to maintain the law as it is, that this is rather a tenant's than a landlord's question; that the landlords do not require to retain the right of hypothec for themselves; but in the interest of their smaller tenants, who will be sufferers by its repeal. Let us examine whether this really is so. I would first define the class of small tenants to mean those who are rented at and below £50, who perform with their own hands and those of their families nearly all the labour on the land they occupy, and keep not more than one pair of horses. As a class they are industrious and thrifty, but they are often poor, ill-lodged, ill-clothed, ill-fed, and hard-worked, and not so well off in these respects as farm servants on large farms. Further, they pay higher rents in proportion to the value of their land; and this must be the case, because the small tenants, not having capital, the rent is not so secure, and the landlord's outlay on small farms must always be greater in proportion to the rent than on a larger one. Now the argument I have used with regard to the tenant's credit applies in full force to the smaller tenant. He requires credit from his neighbours, from tradesmen—the smith, the carpenter, the village grocer, whom he must employ, to as great an amount as he may get it from his landlord. I will not deny that a landlord may be a loser to some extent, as he probably would be now, by the failure of small tenants, who have not made up for their want of capital by thrift

and industry and skill. In such cases, a want of caution and prudence in the selection and retention of the tenant must have been shown; and to obviate a few such possible instances, which can, and do, occur under the present law, we should not refuse to carry out that which will be a benefit to a large and important interest. It is objected that if the right of hypothec is abolished, landlords will no longer let land in small farms, and consequently the country will lose this valuable class of small farmers. With all respect for those who hold this opinion, I believe no greater fallacy can be uttered. It is not the existence of hypothec which has made the small farmer—it is the necessity of the landlord. It cannot be denied that farming on a large scale is more profitable than on a small one, and wherever the soil is good and comparatively easy of cultivation, the farms are large, and are occupied by men who bring capital into the business; but where land is being brought in, or has lately been brought in, from a state of nature, much more labour is required to raise a crop than in the longer settled and cultivated districts. The farmer with capital will not take such land, and it is that which is let in small lots to hard-working men, the pioneers of cultivation, who do the first rough work, and make land for the owner. He in process of time finds it to his advantage to throw several small farms together, to erect proper buildings, and to let them to a man with capital. As long as there is rough land to be brought in, so long will there be found men willing and ready to take it; it will be let in small farms, and whether or not the right of hypothec exists, landlords must let such land to the same class of men as now occupy it, and as they have not been in the habit of putting their right in force against this industrious class, things will go on much as they have done, with this difference—the landlord will see that the man to whom he lets a small farm has a little more capital or security than he now looks for, and the tenant will carry on his work with more freedom. If the effect of passing this Bill should be that a man ambitious of rising from the position of a labourer to that of a small farmer must save a little longer, or find some friend to back him with money or credit, this result will be nationally bene-

ficial. More capital will be brought to the cultivation of the soil, and if our friend, the small farmer, was a good man before, he will be a better man with larger means and extended credit. But the small tenants of Scotland do not ask for the continuance of the law of hypothec. On the contrary, they are utterly blind to the benefits which it is said by its advocates to confer upon them. In the counties in which they are most numerous, the desire for its repeal has been strongest, and the hon. Members for those counties have pledged themselves to support any Bill for its abolition. I have now endeavoured to show that the abolition of this ancient privilege will, in Scotland, be of advantage to the agricultural interest generally, and that no injury to it, or other evil result, need be anticipated, and I ask the House to read the Bill a second time as a matter of expediency, because suited to the circumstances of Scotland only, and asked for with at least the general concurrence of its constituencies. I admit that the principle of giving to the landlord a preferential right over the crop and stock in some countries, and at some times, may be just and useful, and that it has been so in Scotland; but I hold that this is an exceptional case, and I ask the House to pass this law to meet a state of things which does not exist elsewhere. The Bill is expressly limited to agricultural subjects, as was the inquiry by the Royal Commission, and the Act of 1867. No serious complaint has been made about hypothec in regard to urban subjects, and there is no general wish in Scotland that it should be repealed as regards them. But some authorities tell us that we cannot consistently abolish the one, unless we also abolish the other. I do not agree with them. I see a difference in their origin, in their operation, in their policy, and in their effect. The one had its origin in the presumption that all that was raised on the soil was the property of the owner: the other in the Roman law, when the household furniture—*invecta et illata*—was a pledge for the payment of the rent. In the one case, the tenant hires the use of the surface of the ground, on which he has to expend largely his own capital and labour to produce the landlord's rent, and, as a rule, he improves the subject. In the other, the tenant lays out no money, and, as a

rule, the house is deteriorated. The policy of the first was to secure the landlord's rent, when tenants had little capital, and to extend the tenant's credit; the policy of the other is to enable a man to secure one of the first necessities of life, a house to live in, on the security of his personal property. The effect of the one is to reduce the farmer's credit; that of the other is to make his personal property the best security an industrious artizan has to offer. If he had it not, his landlord would require security, or a bill of sale. I will not go further into this part of the subject, and I hope the House will consider that it is expedient to make the change so urgently asked for by the Scottish constituencies, and not expedient to tack to it a change which is not wanted, or to refuse it because what is not wanted is not asked for. We are told also that to alter the law of hypothec for Scotland would form a precedent for altering the law of distress in England, and if the circumstances were alike in the two countries and the laws were alike, there is no doubt it would do so. It is because the conditions are different, and the laws—though somewhat analogous—differ in so many respects, that the one need not be taken as a precedent for the other. Rents in Scotland are proportionally higher, leases are all but universal, the relation between landlord and tenant is almost purely commercial; and, to come to details, the law in Scotland allows a landlord—but only after application to a Court of Law—to sequester his tenant before rent is due, and this sequestration is effective without possession. These conditions do not prevail in England, where distress may be made for six years' rent, while it is limited to one in Scotland. But the main point is, that the law of distress has not created dissatisfaction in England, and it is therefore unnecessary and inexpedient to touch it, while that of hypothec has caused such wide-spread discontent in Scotland, that her constituencies unanimously ask for its repeal as far as it relates to agricultural subjects. The right of hypothec is complained of by the tenant-farmers of Scotland as injurious to their credit, and limiting the amount of produce which they could and would raise from the soil if it were removed. It is admitted by the landlords to be unnecessary for their protec-

tion, to be of little use to, and to be little used by, them; and if this Bill, which I now ask the House to read a second time, is passed, it will stimulate agricultural enterprise in Scotland, and the benefits which will accrue from it will far outweigh any temporary inconvenience which may arise from the loss of an irritating, unnecessary, and injurious privilege.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vans Agnew.*)

MR. GREGORY, in moving that the Bill be read a second time that day six months said, that if he required justification for troubling the House with opposition to this measure, he might rest his case on the speech of the hon. Member for Wigtonshire (*Mr. Vans Agnew*), because that hon. Member admitted that the law of hypothec was ancient, equitable in its conception, and had, on the whole, been beneficial in its operation; that notwithstanding its existence there had been a large outlay in artificial manures; and that the agriculture of Scotland had been enormously developed. If that were so, he might rest his case there, and ask what ground had been shown for the abolition of a law, under which that state of circumstances had taken place. He felt, however, that he ought to state the grounds upon which as an English Member he opposed the Bill, and they were that it was a question not affecting Scotland only, but the Empire generally, and that the principles upon which it was sought to rest the abolition of this law must, if this measure were to pass, be extended to England. The hon. Member for Wigtonshire had told them that the differences between the law of Scotland and that of England on the subject were differences of detail rather than of principle, and, in fact, in detail they were slight, because they had been nearly abolished. The Act of 1867 had tended to place the law of the two countries very much on a similar footing, and had taken away from the law of Scotland that which was harsh and unjust in its original enactment. By the Act of 1867 sequestration could be made only on application to the sheriff, and for one year's rent. It was true that it might be made for accruing rent, and in that respect the law of Scotland and England differed,

because in England distraint could only be made for rent which had actually accrued. When this measure was before Parliament last Session, he (Mr. Gregory) met it by a suggestion for assimilating the law of the two countries, and he for one should have no objection to such an assimilation taking place; but he did not desire that it should take place in the direction proposed by the present Bill. It might be that the period over which the power of sequestration in England operated was too long, while in Scotland it might be too short. He thought the law in Scotland, as to the mode in which distraint was to take place, was better than that of England, and might prevent abuses by committing it to the sheriff, and not any chance person whom the landlord in England might employ to put the process in execution, and who very often were not persons of the highest character. On the other hand, it might be desirable to provide that, as in England, distraint should only take place in Scotland for rent that had accrued. The law of Scotland proceeded on the assumption that the tenant could not pay his rent—which was unjust to the tenant, because the landlord ought to presume that the tenant would pay his rent, and it was only when the rent was not paid in accordance with his contract that his power should be put into operation. These were points on which the law of the two countries might without any difficulty be reconciled; but he could not doubt that the principles of the law being so analogous, if the law of hypothec were altogether abrogated in Scotland, they would have an agitation for the abolition of the law of distraint in this country. The hon. Gentleman who had charge of the Bill, said that the existing law had run up the competition for farms to an exaggerated and dangerous pitch, and he argued in favour of the Bill, that one effect of it would be to diminish that competition. But how would the competition be diminished? Why, by squeezing out the small tenants—and the question really for the House to consider was, whether the principle of squeezing the small tenants out of their holdings could be defended, either on the ground of justice or of expediency. They were asked to exclude from competition a class of men from whom had sprung many of the foremost agriculturalists

Mr. Gregory

of Scotland, and it was in evidence that but for this law of hypothec, those men would not have been able to obtain that start in life which had proved so advantageous to themselves and to the country. One of the principal arguments urged against the existing law was, that it gave to the landlords a preference over the other creditors of their tenants, and that therefore the credit of the latter would be extended by its abolition. In considering that point a landlord might be considered either as the *quasi*-partner of his tenant, reserving to himself a certain share of the profits, and retaining a preferential right to recover it; or, as a man who gave to another a temporary occupation of his property, on condition that a certain proportion of the produce of the property in question should be reserved to himself. In either case, it was almost incidental to a relation of this nature that the person so committing his property to another should have a preferential charge, and an easy means of enforcing it. It was urged further that the tenants had creditors other than their landlords. That was true; but it seemed to be forgotten that those creditors were the persons who supplied the stock and manures, and who knew perfectly well that they were dealing with tenants who were bound to pay their rent first, and that what they had to look to was what the tenants could make out of their farms after paying the rent. It was upon this footing that the farmers and the general run of their creditors did business; and it would be unfair to place on the same footing, landlords who had parted with the possession of the land, relying upon this preferential charge and who could not recover it except by a tedious process of litigation, and creditors who, knowing the relation between the parties, could either give credit for the goods they had to sell, or refuse so to do. Tenants had no right to expect to obtain credit at the expense of their landlords. Credit so obtained could only be false and fictitious, in that it would be holding out to the world as possessing resources and capital, men who could not pay the rent of the very land they occupied. There was another result to be anticipated from the abolition of the existing law, to which he thought it right to allude—namely, the effect of doing so upon securities on land. It was stated by witnesses of

considerable weight before the Lords Committee, that if the present security for rents was abolished, mortgagees could not be expected to continue their investments on the same terms. It was answered that they were at liberty to call in their money, but independently of the loss to landowners. Surely there ought to be stronger grounds than had yet been urged for making a legislative enactment which would necessitate the trouble, difficulty, and probable loss of calling in and re-investing large sums of money at present legitimately invested on the security of real property. Relations similar to those existing between landlord and tenants under the operation of the law of hypothec—so far as the question of lien was concerned—existed in the case of charterers of ships or holders of bottomry bonds, and the owners of freights carried. No inconvenience or injustice had arisen, so far as he knew, in such cases, and he really failed to see why an exceptional law should be made in the case of the land in Scotland. On the whole, he could not bring himself to believe that the change proposed in the Bill would, for a long time at any rate, be desired by English agriculturists or advocated by English Members of Parliament.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Gregory.)

Mr. J. W. BARCLAY said, he wished to call the special attention of the House to the circumstance that although the Bill proposed an amendment of a law affecting Scotch interests alone, yet no Member from Scotland had been found to move its rejection, and it had been reserved for an English Member to do so. Indeed, the hon. Member who had moved the second reading had told the House very frankly that hon. Members even on his side of the House had been forced to pledge themselves to vote for the total abolition of this law in order to secure their return by agricultural constituencies. They had heard elaborate arguments from the hon. Member for East Sussex (Mr. Gregory), in moving the rejection of this Bill; but he (Mr. Barclay) must warn the House that those arguments were not really in the interests of the landlords, however much the hon. Member might think so,

nor yet in the interests of the smaller tenants, but in those of a class well known in Scotland as lawyer factors. That was the class in whose interest really the hon. Member had spoken. The lawyer factors in Scotland were, as a class, gentlemen belonging to the legal profession, who resided in the metropolis of Scotland or the large towns. He did not say that they managed the estates of which they had charge, for in point of fact they confined themselves very much to the letting of the farms and the collection of the rents, visiting the estates only for that purpose, and then even frequently by deputy. Thus situated, they endeavoured to manage the estates by rules and regulations which were certainly of the most extraordinary kind that could well be imagined. He was sorry to hear the other day from a friend, that there were similar instances to be found in England, for mentioning the circumstance to him that many rules and regulations affecting large estates in Scotland were dated 30, 40, and even 50 years ago, his friend said he could produce a more extraordinary case even than that. A brother of his had recently taken a farm, and on being asked whether he had read over the lease, he replied—"No; there are so many skins of parchment, and if I had done so I am sure I could not have understood it." The farm had been in the possession of the family for several generations, and several old leases were in existence—one granted to his informant's grandfather in 1790. On examination, it proved that the lease of 1874 contained the same conditions of cropping and husbandry as the one issued to the grandfather in 1790. It was thought that estates could be managed by rules and regulations; but the real effect of them was, that they hampered and restricted good tenants in the management of their farms and in endeavouring to develop its resources, while they were impotent to prevent bad farming. It was a fact that on those estates which were most strictly tied up by these rules and regulations, the worst farming was to be found. Indeed, if he were asked whether the law of hypothec or the management of the land by the lawyer factors had the worst effect in Scotland, he should be at a loss to decide between the two. The lawyers raised difficulties and created alarm in

the minds of those proprietors who had abundance of money and capacity to manage their estates. They persuaded the landlords that tenants could not be entrusted to farm the land judiciously or without injury to the landlord, and must in consequence be bound up by rules and regulations. In fact, to hear how they endeavoured to raise alarm in the proprietors' minds might lead one to fancy that some of the tenants would run away with the acres. But there was another and a very different class of men with whom the lawyer factors had to do, who might be said to consist of the impecunious landlords; and in their case, the business of the lawyer factors was further to provide money for the spendthrift, and to facilitate his progress to ruin. He was not drawing any fancy picture, because, although there were sufficient exceptions to strengthen the rule, yet this picture of the lawyer factors as a class would be recognized in Scotland as only too true. As regarded the tenants and the administration of the estates, the great business of the lawyer factor was to increase the amount of the rent-roll, and he knew cases where the lawyer factor had, by putting the farm up to competition, got a most excessive rent for a time; but in course of two or three years the tenant failed, and in order that the rent-roll might not be ostensibly reduced, the factor had taken the farms into his own hands and farmed at a greater loss to the landlord than if it had been let at a moderate rent. The great advantage of the law of hypothec to these lawyer factors was, that without troubling themselves particularly about the tenants with whom they engaged, or really managing the estates, the rents were always secured to the landlords. Should the tenant run short of his rent, it only remained for the factor to sequester him, not only for the rents which might be actually due, but for the rents which were coming due. Thus, as regarded the money part of the question, he was always able to keep the landlord secure. It was evident that the abolition of the law of hypothec would necessitate a better management of estates than at present existed, and he contended most strongly that the abolition of this law, by inducing a better management of estates in Scotland, would be quite as, if not more, beneficial to the landlords than to

the tenants, whether they were large or small. If Parliament, by passing this Bill, should abolish the law of hypothec, he believed it would to a great extent abolish the lawyer factors, and he did not know which of the two would be the greater blessing. He was not prepared to say to what extent the lawyer land agent in England corresponded with the lawyer factor in Scotland; but he apprehended that there was about as much similarity between the two as there was between the law of hypothec and the law of distress in England. Yet they had now been told, to scare the landlords in that House, that if the law of hypothec were abolished, the law of distress must also be abolished in England. He was not sufficiently acquainted with the operation of the law of distress in England to speak with confidence on the subject, but if it were as bad as the law of hypothec in Scotland, the sooner it was abolished the better. He hoped, therefore, that the House might not be deterred by any such consideration from voting for the second reading of this Bill. But, even on the ground of expediency, he considered the policy of the hon. Member for East Sussex a mistake, because, as the hon. Member for Wigtonshire had told the House, the tenant-farmers of Scotland were fully determined on the abolition of this law. As a matter of policy, if on no higher ground, he thought the hon. Member would have done well to have allowed this Bill to be read a second time. Although the farmers of England might not yet be aware of the indirect evil effects which arose from this law in their own case, yet he had no doubt that by-and-by they would become educated to the subject, and that they should have a pressure in that House from the farmers of England for the abolition of the law of distress quite as great as that which now proceeded from the farmers of Scotland in regard to the law of hypothec. Scotland had got the credit for many years of managing its own affairs, and of managing them quietly, and he trusted that hon. Members from England would allow this practice to continue. Now he would consider briefly the arguments of the hon. Member—first, the statement that the law was for the advantage of small farmers. He had never heard it argued that the law of hypothec induced landlords to break up large farms

Mr. J. W. Barclay

into small ones. In point of fact, the opposite process was going on, for reasons which it would take him too long to state; but it was not because the landlords were getting higher rents for the larger farms, for it was notorious that small farmers paid a higher rent per acre than the larger farmers. If the statement meant anything, it meant that the law of hypothec enabled small farmers to compete for farms which they could not otherwise do. It was manifest that this meant increased competition for small farms by small people. But the result of competition was simply that the greater the competition the higher the rent. The consequence was that if a poor man with limited means wanted to take a farm, he would, under the operation of the law of hypothec, have to pay a higher rent for it than he would otherwise have to do, because he would have a larger number of small people competitors than he naturally would have—that was what the law did for the small people. If any doubt were entertained upon the question, it would be removed by an examination of the Return which had been prepared of sequestrations, which showed that from the passing of the last Act on hypothec to 1873 the number had been 1,493. Of that number the sequestrations over £100 were 525; those under £100 were 968; and those under £25 were no less than 319. The effect of the law of hypothec was that it enabled possibly some few farmers to get farms who could not otherwise obtain them, but it usually sent them adrift again into the world bankrupts and ruined. If the hon. Member for Wigtonshire, in moving the second reading, had admitted that the principle was just, he was prepared to join issue with him on that point. It was admitted that the law whereby the landlord got a preference over other creditors was exceptional in its nature, and therefore the onus lay upon the landlords to justify this exceptional legislation. It was said the landlord was entitled to this preference, but he gave only the use of his land—the manure merchant parted with his property altogether. The hon. Member for East Sussex had stated that, as it was well known that the landlord had this preferential right, there was no injustice or harm done to the tenant's other creditors. But it was because this was well known that it was complained of, and if

such an argument were to prevail, what ground would there be for asking for the abolition of any other unjust law? The hon. Member further said that a manure dealer or person dealing with the tenant on credit gave him a fictitious capital. But surely if a landlord put the tenant in the position without sufficient capital he, though keeping himself safe under all circumstances, gave the tenant fictitious credit.

MR. GREGORY explained that what he said was that, when they held out to a man who could not pay his rent that he might extend his credit, they gave him a fictitious capital.

MR. J. W. BARCLAY confessed he could not see the distinction. He was very much surprised to hear the hon. Member for Wigtonshire assert that the landlords in many cases gave the tenants 12 months' credit. He (Mr. Barclay) was pretty well acquainted with the customs of land-letting in Scotland, and he was not aware of a single case in which such a thing was done. The hon. Member seemed to suppose that because a tenant entered into possession of a house at Whitsuntide, and did not pay for 18 months afterwards, he thereby got 12 months' credit from the landlord; but such was really not the case, because the tenant entering at Whitsuntide had to pay the outgoing tenant for all the crops of that year, so that it was not until the succeeding year that the incoming tenant began to deal with the landlord at all, or got possession of the land from him. In fact, there was no back rent in Scotland properly so-called. In the majority of cases, where the farmer entered at Whitsuntide, he was called upon to pay the first half-year's rent as soon as ever he reaped the corn, and before he began to realize any part of it. Indeed, the landlord got his money from the farmer as soon as if he had the farm in his own hands, cultivated it himself, and realized the produce. The hon. Member for Wigtonshire had referred to a class of small improving tenants who had done a great deal for Scotland. He fully endorsed that statement. If it were not that he did not wish to introduce personal matters into that House, he might refer to particular estates upon which the practice he was about to describe had obtained. Many of these small farmers had squatted down, he might say, by

the side of some moor which was worth to the landlord perhaps 6*d.* or 1*s.* an acre. After spending the best of their lifetime—10, 15, or 20 years—upon that barren moor, and converting it during that time into such a state of fertility that the landlord might get 15*s.* or 20*s.* an acre for it, these people had been turned out because they had no particular holding, or, if they were allowed to remain, their improvements were confiscated, and it was at a rent representing its absolute worth. It was true that the law of hypothec directly affected them very little, because the landlord had no rent, except a very small one, to get from the land during the time the tenant had been improving it. But he had felt very strongly on seeing these tenants, after they had got the land into such a condition as to enable them to live upon it comfortably to the end of their lives, turned out without a farthing into the world, to begin life anew, or sometimes to find refuge in the poor-house. He could assure the House that the farmers of Scotland would not allow the question to sleep until Parliament had acceded to their just demands. He must refer to the endeavours made by hon. Members and other gentlemen outside the House to create a division between the large and the small farmers upon this question; but these attempts had proved and would prove ineffectual, because the small tenants had found by experience that the law of hypothec was a very great oppression and hardship to them. He hoped the decision of this question would be left very much to the Scotch Representatives, and he could assure the House that if the abolition of this unjust and class law were sanctioned, it would give a great stimulus to agriculture in Scotland, not only directly, but indirectly, by inducing a more intelligent and careful management of the land than had hitherto been the case.

SIR WILLIAM CUNINGHAME said, he should support the Amendment, as he believed the present law worked very efficiently for the agricultural classes, as well as for the interests of the community generally. In upholding the law as it now existed, and opposing its abolition, he did not consider himself advocating the interests of any particular class. Certainly not the interests of landlords as against their tenants. The hon. Member who had

just spoken had spoken of class legislation; but for his part he (Sir William Cuninghame) did not see that he was speaking in the interests of any class. It was not in the interests of the landlords, for they would be less affected by the abolition of the law of hypothec than probably any other class, as they could perfectly easily find some other means of securing the payment of their rents. The only serious evil likely to arise to them from the proposed change was, that they would have more difficulty in raising money to improve their property, while as regarded the smaller tenantry, it would be a matter of life and death. It meant to them driving them out of an occupation for which they were admirably fitted, and to those not quite so impecunious, it meant in times of pressure greatly increased difficulties. Another of its consequences would be to deprive the country of a class of the population, the smaller tenants, who had done an immense deal to improve agriculture. It was said that agriculture would be benefited by the change of small for large holdings; even if it were so, it would be dearly purchased by the desertion of homesteads to which it would lead. Those who were acquainted with Scotland knew how exceedingly sad a sight was presented by the ruined cottages already in that country. He (Sir William Cuninghame) for one deplored very much that inexorable law which seemed to have decreed that sooner or later the smaller tenantry as a class should disappear, and he looked with extreme disfavour on any proposal which, like the one before the House, tended to hurry on that change. He would ask the House, was there any reason for the abolition of hypothec? It was said that the law of Scotland was exceptional. He considered, on the contrary, that the proposal to abolish the law was exceptional. It was proposed to put the tenant-farmers of Scotland on a different footing from the tenant-farmers of other parts of Great Britain, and also, as was shown by a Report presented to the House of Lords, in a different position from the tenant-farmers of almost every other country in the world. If that was not putting Scotland in an exceptional position, he could not imagine what would be. Then, since it was exceptional, it seemed to him some

very strong reason should be shown for making the change. A reference to the agricultural statistics of the country would show that between 1857 and 1874, Scotland had made an advance that was perfectly astonishing. In 1857 the number of acres under cultivation was 3,500,000, while in 1874 it was something like 4,600,000. That did not look like adversity or pressure, or suffering under unjust laws. It might of course be said that this extraordinary advance in Scotch agriculture had taken place in spite of the law, and that the advance, rapid as it had been, might have been even more rapid had the law been abrogated. That might be the case, though it seemed unlikely; but he ventured to remind them—and his hon. Friend the Member for Wigtonshire in particular—of a fable and a proverb: the fable was the dog and the shadow; the proverb was let well alone. The general arguments against making the change had been so well stated by the hon. Member for West Sussex (Mr. Gregory), that he did not mean to go into them; but he might make a remark as to the argument that the credit the farmers got from tradesmen was interfered with by the law of hypotheec. It must be remembered, on the other side, that they were amply compensated for this by the longer and larger credit which the existing law enabled the landlords to give them. The question for the House to consider was, whether the amount of capital that was thereby left in the tenants' hands for a period varying from a year to 18 months equalled the decrease in credit which they got from tradesmen. He admitted that that might not be so in large farms; and if the proposal had been limited to an abrogation of the law in regard to tenants whose rent was, say, over £200, he would have been inclined to support it; but as regarded small tenants, the increase of credit they would get from tradesmen would not by any means equal what they got from their landlords. This was strongly borne out by the evidence given before the Lords' Committee of 1869 by manure merchants and others, who said that there was so much competition among manure and seed merchants that a farmer could never have any difficulty in getting credit; but that, on the contrary, it might even be said, they got more credit

than was good for them, being much in the same position as young gentlemen of known expectations, who were offered any amount of accommodation by speculative parties. To say that the law placed the tenant with capital at a disadvantage by exposing him to competition with poorer men was no argument for a change. The possession of money did not give a prior claim to the possessor; on the contrary, one argument in favour of the law was, that it gave the poorer man the chance of raising himself to a better position in spite of his disadvantages. The more this became known the less popular would become the cry for the abolition of hypotheec. There were many other points that he might refer to, but he did not wish to weary the House, and would confine himself to the popularity of the proposed change. It was said on the other side, as a strong evidence of the feeling of Scotland being in favour of the change, that nearly every Scotch Member would support it; and it certainly was a fact that the large majority of the Representatives, both of agricultural counties and of burghs in Scotland, would support the Bill of the hon. Member for Wigtonshire. He maintained, however, that this position of hon. Members had been caused by a mistake with regard to the popular feeling in Scotland on the subject. There were many able and interested tenant-farmers in Scotland, who agitated this question with great energy, and the opinions of this minority had, he contended, been mistaken for real popular feeling. One reference to the evidence given before the Committee would show this. It was the evidence of Mr. Adam, a farmer in Rossshire, who described the proceedings at a meeting which was numerously attended by farmers, and supposed to represent fairly the feelings of the district, and where a resolution to petition against Mr. Carnegie's Bill was carried unanimously. That, at all events, proved that there was not quite such unanimity as was supposed. In conclusion, he asked the House to pause and consider well before it decided to abolish a law which had been in existence for a great length of time, and during the operation of which it was admitted the agriculture of Scotland had vastly improved, and the abolition of which would drive a large

number of the smaller tenantry from their present occupations, and would lead to great difficulties being placed in the way of many hard-working and industrious people.

VISCOUNT MACDUFF: As a Scotchman, Sir, and one much interested in all questions relating to Scotch agriculture, I venture to address a very few remarks to the House in support of this Bill. In the first place, I cannot help thinking that it should not be mixed up with other and more intricate questions connected with this side of the Tweed, but that it should be regarded purely as a Scotch question and from a Scotch point of view. The law of hypothec, as it now stands, even in its present modified form, is a remnant of the legislation of centuries ago. I do not dispute the wisdom or necessity of such a law in former times, for in those days tenants, as we now understand the term, did not exist. Not only the farms but the stocking, and even the implements of husbandry, were the property of the landlord. When the present class of tenants gradually came into existence, they were often under the necessity of borrowing largely from their landlords to carry on their operations, and this right of hypothec was the only security available. But now that there is a bank in every village, and plenty of capital at the command of the farmer, I fail to see the necessity for maintaining this antiquated right, when all which made it reasonable has long since passed away. It has been suggested that this law is favourable to small tenancies, and that its abolition would abolish their number. I cannot think so; if it were so, my vote would not be recorded for its abolition. But the only result of the present law is that tenants are sometimes induced to take farms beyond their means, while landlords are induced to trust them, relying on hypothec. Insolvency is, and must be, the only consequence of this artificial state of things. By the Hypothec Amendment Act of 1867 the old privileges of the landlord were very much pared down, and to my view the whole principle of this measure was conceded by that Act. By its further extension in the same direction, the Legislature would simply be withdrawing its sanction from privileges rarely, if ever, exercised on well-managed properties, and which are

capable of being exercised very oppressively—in fact ruinously—as regards the tenant. I venture to think that the security of the landlords does not depend upon any such powers, but upon the mutual reliance which exists in Scotland between them and their tenants. I fear, however, that an idea has got abroad that the relations between landlord and tenant in the north of Scotland are not as good as might be wished. In a recent debate mention has been made of the existing dissatisfaction in the north of Scotland; and I have on several other occasions heard the farmers in that part of the country described as men labouring under positive disaffection to their landlords. Without entering upon topics foreign to the measure now before the House, I am anxious to state most emphatically that the relations between landlords and their tenants in the north are quite as satisfactory as in other parts of the United Kingdom. I have the pleasure and the advantage of a large acquaintance among farmers not only in the county I have the honour to represent, but in several other counties in the north, and I have never heard any expression of such a feeling among them. I do not for a moment deny that disturbing questions exist—grievances arising from the over-preservation of game in some cases, and from a feeling that farmers have not sufficient security for the capital invested in their farms; but I am certain that there are none which cannot be amicably settled by practical legislation. It has hitherto been a matter of regret to me that the House does not seem disposed to entertain favourably several questions upon which there is a good deal of feeling in Scotland; but I am quite sure that the true friends of the Scotch farmer are not those who make immoderate demands in their name, and who indulge in strong expressions about landlords. My very short experience has shown me that such a course, while it alienates the sympathies of moderate men on both sides, does not in the least advance the cause professed to be represented. I intend to vote for the second reading of the Bill, because I believe its tendency will be to strengthen the good feeling between farmers and their landlords in Scotland, which I firmly believe to be the landlords' best and only real security.

Sir William Cunningham

Mr. DALRYMPLE said, he agreed entirely with the noble Lord who had just sat down (Lord Macduff) that those were not the real friends of the tenant-farmers who urged immoderate demands on their behalf; and, he might add, that it was very much because the demands had seemed to the House so immoderate, that so little legislation on subjects which concerned them had passed through Parliament. But he rose for the special purpose of explaining why he intended to vote for the second reading of this Bill, while in the last Parliament he had voted and spoken in favour of the law of hypothec. As he had not changed his opinions, it was not without considerable thought that he had come to the conclusion he now had. In the late Parliament the Bill introduced to their notice was of a very different kind from that now under consideration. He had never supported the law of hypothec in the interest of the landlord, who had other and ample means of getting security, and if the law were abolished tomorrow no landlord would be any the worse for it, but because he believed—and he still held to the belief—that the law was favourable, not only to small tenants, but also in bad times, to persons who could hardly be described as small tenants. He knew of many instances where in bad times, if it had not been for the law of hypothec, farmers would have run the chance of losing their farms; but in consequence of hypothec the landlord had been able to give them time—and it was doubtful if they would have got it from any other creditor. In so speaking, he spoke from personal knowledge, and he retained the belief that many farmers profited by the law. The law was much misunderstood, and it often happened that those who were loudest in advocating its abolition were precisely those who knew least about it. The personal relations between Scotch landlords and their tenants were of an extremely satisfactory kind, and he would be sorry to see the time when they would be entirely of a commercial character. The hon. Member for Forfarshire had referred in tones of something like contempt to the faded parchment of old leases, such as had been held from father to son on some estates, and he spoke of the year 1790 as a very remote date. The hon. Member's reference was made to what he (Mr. Dal-

rymple) was glad to think was a common state of things, and the distant date did not astonish him, for he knew of a case lately occurring where a tenant died, unfortunately childless, but who, together with his father and grandfather before him, had occupied the same land for 150 years, on the property of a near relative of his (Mr. Dalrymple's) own. In cases such as that, there was little of the commercial relation, and the advantage, as far as money consideration went, was all on the tenant's side. If it were merely on the ground of the outcry against the law, he would not be found among the supporters of the change; but he supported it for the almost opposite reason—that the question had really passed out of the regions of stock election cries. There was not nearly so much excitement about it now, and comparatively little was heard about it at the last Election, when candidates rather volunteered to support the abolition of the present law than had any pressure brought upon them to induce them to do so. He thought, therefore, that the time had come when a calm opinion might be formed. He had been aware of the ignorance which existed on this question, and at a time when there was no political excitement existing in the country at the end of 1873 he called together a meeting of farmers in his district to consider the question, and to ascertain if they were really in favour of an amendment of the law. Well, there was a clear majority of 7, in a company of about 40, in favour of the retention of hypothec as it was, so that the decision to which he (Mr. Dalrymple) had come could hardly be said to have been pressed upon him. It was true the Farmers' Society to which he alluded could not be considered altogether as representatives of the class to which they belonged, because their circumstances were peculiar. The feeling so expressed might be partly due to the fact that in that particular district sequestrations were almost unknown—but he admitted that there was a general feeling in other parts of Scotland in favour of the alteration of the law as regarded agricultural tenancies. The present Bill was confined solely to agricultural subjects, and for this reason he was able to take the course he proposed to take by voting in favour of the second reading. If the Bill had been

introduced in its old form, and the proposal had been to abolish urban as well as agricultural hypothec, he could not have supported it; because, though it might turn out that if the one kind were abolished, the other would follow, at all events there was no movement in Scotland against urban hypothec, and he (Mr. Dalrymple) could be no party to its abolition. He would himself have preferred an alteration of the law regarding agricultural hypothec, and would have been willing that the hypothec, instead of being as at present on stock and crop, should have been placed on furniture, implements, and manure, which were not now hypothecated. While the former subjects might well be set free, the latter would afford ample security to the landlord, as they ought to represent a half-year's rent of any farmer worth the name. In conclusion, he said that he found himself able to vote for the second reading, because the Bill was limited in its scope; and because the subject, having been removed from the region of controversy, it had been better considered, and yet in spite of some variety of opinion, a very wide-spread dislike to the law prevailed in Scotland. He (Mr. Dalrymple) had been anxious to make these remarks in explanation of his vote, though as far as his own feeling, derived from observation of the law, went, he remained very much of the same mind as formerly, and his change of opinion was more apparent than real.

MR. M'COMBIE: Sir, I have great pleasure in supporting this Bill. It vitally affects the interests of my constituents and the tenant-farmers of Scotland. The game laws only affect the farmers on game preserving-properties; whereas the law of hypothec affects every farmer paying rent, and is the worst of all class laws. It has raised a fictitious value over farms large and small in Scotland. Now, we are told every day that the tenant-farmers are quite fit to make their own bargains. I wish it were so. Why, he has not the ghost of a chance. In Scotland the proprietors have all printed estate regulations—many of the most tyrannical description, even binding the tenant to keep neither cat nor dog. The first question asked by the proprietor or his agent is—"Do you agree to our regulations?" Should the applicant raise any objection, he is po-

lutely shown the door. But he is in no better position with other proprietors in 99 cases out of 100, and he must submit, or betake himself to some other occupation. In every neighbourhood there will be some proprietors who will advertise their farms, and will accept of the highest offer—an offer that never can be paid from the produce of the farm. In many such cases a rent is never paid; but the landlord falls back on the crops and whatever stocking there may be on the farm, and secures his rent by the law of hypothec, although there should not be a shilling left to the other creditors. In other cases, the tenant applies to the landlord, and he gives a reduction of rent; and perhaps he may obtain a second reduction. Now, it is a bad sign of a farmer and a farm when a reduction is called for. I have no sympathy for tenants promising rents that never can be paid—it is a great injustice to the country, and they ought to be made to fulfil their bargain or quit, as such conduct raises a fictitious value for farms over the whole country. During the last 50 years I have taken many leases of different farms, but I never asked my proprietors for a reduction of rent, neither did I ever sign a printed regulation or a lease binding myself to preserve game. But mine is a quite exceptional case. As my own nearest connections have generally been my proprietors, they dispensed with their printed regulations, as they knew I would never submit to such degrading and tyrannical rules. Why, Sir, it is to no purpose for proprietors and their land-agents to hold out that the tenants are quite fit to make their own bargains. I say most emphatically that they have no fair chance, and it is a mere delusion to think otherwise. It is only another attempt of the proprietors and their agents to throw dust in the eyes of the public. The tenants are practically at the mercy of the proprietors. Another of the cases raised by the proprietors and their agents is that if the law of hypothec was repealed, it would ruin all the poor tenants. Now, I think I can prove that it is a law to hold a poor man always poor. Believing that the fictitious value of land has been raised under the hypothec law, I have remonstrated with proprietors who had let their farms at rents that never could be paid from their produce;—and what was their reply—

Mr. Dalrymple

"What did they care, they could be no losers. They would have the law of hypothec to fall back upon, and other creditors might just take their chance." Such, Sir, is the law of hypothec. I will give an example or two as the working otherwise of the law and our estate regulations on a farm of 400 acres, where the tenant had expended on houses, dykes, roads, &c., £4,000. He became bankrupt, the proprietor appropriated for his own behoof the whole houses, dykes, &c., and the creditors were promised 3s. in the pound. The proprietor re-let the farm at a great rise of rent. Another example, and I will not trouble the House with more, for they would only be repetitions. A poor and foolish man took a hill farm at an absurd rent; his family became security for him; he improved a tract of "bog" land; he built a slated house and steading with his family's money. They paid the rent for several years. As last they saw that it was no good, so they gave up the lease, with the expectation of getting some remuneration for the houses and improvements. They were turned about their business, and never got a farthing. I could give hundreds of cases of the results of the tyrannical and unjust estate regulations, and of the working of the law of hypothec in Scotland. It is marvellous that the landlords of Scotland, who are stated to have little interest in the question of hypothec, have almost been alone in their desire to retain the law, and the tenant-farmers, who are said to have the greatest interest, are almost unanimous in their urgent desire for its repeal. Aberdeenshire is a county of small farmers. 2,481 farmers of that county signed a Petition in favour of the abolition of hypothec. This is just another tactic of the landlords to throw dust in the eyes of the public, and to create sympathy for the poor farmers. Sir, the tenant-farmers have never been represented in this House. The proprietors have had all their own way, and made laws exclusively for their own behoof. And why are we sitting here to-day on this side of the House? Because the late Government ignored the claims of the tenant-farmers of Scotland. When the late Member for Forfarshire (Mr. Carnegie) introduced his Bill for the abolition of the law of hypothec, instead of giving us any relief for our grievances,

they saddled us with additional taxes. The farmers of Scotland were incensed at their conduct, and turned round upon them at the late Election—turned out the Liberal Members, and put the hon. Gentlemen opposite in their place. I believe I am better acquainted with the feelings of the tenant-farmers of Scotland than any Member of this House. I would advise the present Government, if they wish to retain their seats and the seats of their supporters in the Scotch counties, not only to support this Bill, but give us relief as to the game and land laws, or else at the next Election—I believe it to be as sure as I am addressing you—the present Government will meet the same fate as the former Government, as far as the Scotch counties are concerned. It is thrown in our teeth that owing the law of hypothec some have risen from being small farmers to large farmers. I should wish they would condescend on their number. I am acquainted with very few, and the one or two I am acquainted with would have risen in whatever position of life in which they might have been placed. It is a law of serfdom; such is the law of hypothec. We should bear it thoroughly in mind that if the tenant-farmers of England, Ireland, and Scotland would only be true to themselves, they can make a Parliament—sending none but those who will advocate their rights. Then Parliament will grant them their just rights, and not till then. Looking at the benches opposite, it is marvellous to me to think how the English tenant-farmers have packed the benches with landlords who do not represent their interests. Is that the way to obtain our rights? We will never obtain our rights until we send our own representatives, and not be depending on landlord representatives. Why is it that the English farmers do not send to the House of Commons more representatives like my hon. Friend the hon. Member for South Norfolk (Mr. Clare Read)? I beg to support the Bill.

SIR JAMES ELPHINSTONE said, he only spoke on this occasion as an Aberdeenshire proprietor. In that capacity he had had the management of an estate in that county for a number of years, and he was now nearly as old a man as the hon. Member opposite (Mr. M'Combie)—he might, therefore, claim to have some little knowledge of the

agriculture and the farmers of Scotland. This question of hypothec was not only bound up in the agricultural interest—it entered into the very soul and marrow of the whole commercial system of this country—it was not merely a farmer's question, it was a merchant's and a banker's question; and the interests could not be separated. He did not see how—looking at the fundamental principles of commerce—they could not dispense with this system of agricultural hypothec. The law of hypothec was as old as any system in the world. The word, he believed, was derived from the Latin noun *hypotheca*, which meant “a pledge.” The man pledged his stock to the man who furnished him with the material to carry on his business. It was not the landlord's but the manure merchant's question—they viewed a farm as a young man was viewed by money lenders—they induced the farmer to keep the land in a state of intoxication for 18 years, and then left it poor and stripped of its energy when the lease was up. Had the question concerned merely the rights of the landlord, he should vote for the second reading of the Bill, because it would tear off from the hon. Members for Aberdeenshire and Forfarshire the only garment that covered them, and would leave them in a state of political nakedness. From his long experience of them he was proud to say that in the whole of Great Britain there were no such tenantry as those of Aberdeenshire. They were the men who turned land into cultivation that would have absolutely appalled the labour of any other country. Land had been cleared and brought into cultivation in places where you could not see it in the first instance for the stones that covered it. Well, but did these men enter on this without security? Not one of them; they did it with the understanding that they should occupy the ground for a certain number of years free of rent; in the second term of years there would be a small rent, and in the third term of years there would be a larger rent. During this time the landlord frequently supplied the farmer with guano, and afforded him other assistance. These men always improved their condition in Aberdeenshire—as they did also wherever they went—all over the world they were found in positions of trust, to which they had

raised themselves by their own industry and energy. This Bill was to strike at the root of these people. It struck at the root of this hardy peasantry to cover the land with large farmers. The hon. Member (Mr. M'Combie) knew as well as he did the character of the farmers in Aberdeenshire, and must know that their sons had fallen in India and in the Peninsula, and had carried the British flag to the ends of the earth. These were the men who founded our East Indian possessions, and whose blood had been shed in every battle-field in the service of the British Crown. These men had sprung more from the lower tenant-farmers than from the upper tenant-farmers. Standing there as an Aberdeenshire proprietor, he had never known a single tenant turned off any of the farms he was fortunate enough to possess, and there never should be. On the contrary, he should be glad to break down the system of large farms, and to produce again that bone and sinew which it had been the pride of Scotland to possess, and which it was the object of those opposite to sweep off the land, and in their place to produce a bloated aristocracy of large farmers.

MR. M'LAGAN said, he should vote for the second reading of the Bill, and as that was the first time he had voted against the law of hypothec, he hoped the House would listen to him for a few minutes. He never supported hypothec on principle, but he thought it a law to be supported on grounds of expediency. The principle was that of class legislation, and on account of its being class legislation he was determined to vote against it on this occasion, and because he thought there were no longer those exceptional circumstances that required its being kept up. When the law was first passed it might be urged that it could have been supported on principle. The tenant received the land from the landlord on condition that he should pay rent in kind to the landlord, but these times were passed. Then, the only security the landlord had for his portion of the produce was that which the law of hypothec gave him. The tenant was now a man of capital. Formerly, he had little or no capital—on the contrary, he had to borrow capital from his landlord. Formerly, a tenant had only one creditor, and that his landlord; now the

Sir James Elphinstone

tenant had numerous creditors, and some of them were larger creditors than the landlord. Farming was now being conducted on more commercial principles than formerly; and as he believed this, he believed it would be wise on the part of that House to place the regulations affecting landlord and tenant on a basis possessing more of a commercial character. He should not object to the arguments which had been used by the hon. Member for East Sussex (Mr. Gregory) in favour of the law. He was not one of those who thought this law had been an iniquitous law; on the contrary, he would say the law of hypothec had been of great benefit to Scotland and to the agriculture of Scotland. He believed that without the law of hypothec the agriculture of Scotland would not have been in the position it now was; but these times were passed. We lived in new times, under different circumstances, and we required different laws. One reason why he voted for the Bill was that the population of Scotland had increased to an enormous extent, though the land had not increased at all. Competition for land was, therefore, also very greatly increased. There could be no doubt this law of hypothec tended to increase the number of applicants for farms. If these were only tenants with capital there would be no great harm; but, unfortunately, it tended to the increase of applications by tenants without capital. Landlords sometimes selected tenants for their farms who had not sufficient capital for the purpose. This was a great cause of complaint at the present time, and it was because the law tended to keep up such an evil as this that he opposed it. Another reason was, as he had said, that the landlord was not now the only or even the largest creditor of the farm. He should not mix up in the question some of the statements that had been made by hon. Gentlemen who had preceded him. He did not think the law of hypothec was one which was much connected with the bitter feeling which existed between landlord and tenant, and he should say nothing now which would tend to evoke the feeling. It was injudicious on the part of those who called themselves farmers' representatives, that they should come up to Parliament and stir up the bad feeling which all would like to allow to pass away. He could not say he alto-

gether approved of the Bill. That of Mr. Carnegie, the late Member for Forfarshire, was a Bill which abolished the law of hypothec, both in agricultural and urban communities. He should vote, however, for the second reading of this Bill, because he did not approve of the principle of hypothec. The hon. Member for Wigtonshire (Mr. Vans Agnew) said, he saw a difference in the principle between agricultural and urban hypothec. He could see no difference in the principle whatever. As regarded agricultural hypothec, the landlord had a claim on the stock, but had none on the furniture. An urban landlord had a claim on the furniture. See how that might be exercised. A tenant entering a house bought the furniture from an upholsterer, but did not pay for it, neither did he pay his rent. The landlord entered and seized the furniture, which did not belong to the tenant. The baker and the butcher were in exactly the same position when they supplied the tenant-farmer, but if the Bill was carried in its present shape, the baker and the butcher would be placed in a different position with regard to the tenant-farmer and the tenant of a house. If the Bill should pass, and go into Committee, he should support Amendments on these points. There were two classes of constituents in the counties in Scotland — the tenant-farmers, who wished to have the law abolished, and the house proprietors, who wished no change; but if he disapproved of the principle, he should go against it whether it suited one class of his constituents or another. Another difficulty in the way was indicated by the evidence of a tenant-farmer before the Commissioners in 1864, who said that if the law of hypothec were abolished it would be absolutely necessary to have a limit to the lease if a tenant did not pay his rent, or as it was called in Scotland a statutory irritancy of the lease. He knew it was said in all leases that the tenancy should come to an end if rent was not paid; but he would ask in how many instances had a landlord been able to put out a tenant who had not paid rent? If he happened to be a litigious tenant, he could keep his place there in spite of the landlord and in spite of the law. A case had been stated in which a tenant kept his place three years simply by raising an action against the

landlord for not taking certain improvements. The witness said that if the tenant did not pay rent the tenancy should cease at that moment. The hon. Member for Wigtonshire had stated that every time a Bill had been introduced for the abolition of the law of hypothec it had not been carried in that House. In 1868, he believed, a second reading of the Bill was carried, and it was after the carrying of that Bill he was led to re-consider the course he had taken in neither voting for nor against it. When he had considered the subject more fully, he arrived at the conclusion that the time had come when it was expedient that this law should no longer exist. The House should bear in mind that discussion had taken place on the subject not only within, but outside the walls of Parliament. One question which must soon come up for discussion here would be that of the land laws, and in the front of these was the law of hypothec. If the law of hypothec was abolished in Scotland, the time would not be far distant when the law of distress would be abolished in England. If these laws raised up bad feeling between landlord and tenant, it was right that Parliament should do all it could to smooth down those differences. He fully sympathized with sentiments that had been expressed by the noble Lord the Member for Elginshire (Viscount Macduff), that the future prosperity of the agricultural interest depended very much on the good relations between landlord and tenant; on a tenantry with capital, zeal, and enterprise; on an educated peasantry, and last—but not least—on equal laws between the parties.

MR. CLARE READ said, that although the opposition to this Bill had come from an English Member (Mr. Gregory), he should not have ventured to take part in this purely Scotch debate if it had not been for the special appeal made to him by the hon. Member for West Aberdeen (Mr. McCombie). The hon. Gentleman concluded his interesting speech by saying why could not the tenant-farmers of England send more tenant-farmers to that House? Why—because so long as the gentry of England would be so good as to really represent the tenant-farmers of England there was no necessity for such a sacrifice being made by the tenant-farmers as to become representatives in Parliament themselves. Although they

both had one object in view on this question, there seemed to be a different opinion between the Scotch and English tenant-farmers on many points. For instance, take what was said about game. Scotch tenants wished to abolish the whole of the game laws; whereas in England farmers wished simply to protect themselves from ground game. Again, Scotch tenant-farmers wished to abolish the law of primogeniture and entail—the English did not go half so far—all they asked for was that the tenant for life should have certain powers to grant leases, and to give compensation for improvements on his property. It might be said that the tenant-farmers of England were “the residuum” of an ignorant class; but they had no desire to benefit themselves at the expense of their landlords. He considered this was a question rather affecting the public and the creditors than the tenant-farmers of England. When they came to compare the two laws he believed it would be found that the law of hypothec, as recently modified, was, on the whole, rather more just than the law of distress. At all events, it was open and above board. The landlord had to go before the sheriff, or a Judge of some sort, before he could seize the tenant's crops—and he believed it was an unknown thing for that to be done in Scotland, unless the tenant were in arrear of rent—whereas, as had been said by his hon. Friend the Member for West Sussex, an English landlord could distrain back for six years, and thus deceive the creditors in regard to the state of the farmer's finances. Of course, he should be classed by his hon. Friend the Member for Portsmouth (Sir James Elphinstone) as a “bloated aristocratic farmer.” He was much obliged to the hon. Baronet for the compliment he had paid the large farmers of England and Scotland. As a man of capital he might have some objection to the law of distress, for he believed it did tend to foster undue competition for land, and that now and then it was an inducement for the landlord or his agent to accept a man of straw: but when he came to regard it practically, he must say that, with respect to those who occupied small holdings, he believed that the law had been beneficial. Take his own county, where it was thought the proportion of large farmers were unusually large:—there were in Norfolk 10,000

occupiers of land whose farms were under 20 acres, and the whole average of the county gave only 60 acres to a farm. Landlords were but human beings like the rest of creation, and they would not be so kind and generous if they had great risks to run; therefore, he could not shut his eyes to the fact that a great and meritorious class of farmers were benefited by the law of distress, because their landlords were enabled to be kind and considerate towards them. He knew very well how hard was the lot of these small cultivators, and how they had to labour from morning to night in order to gain a most scanty subsistence. He knew that the only way in which a small English farmer could succeed was by doing the work of two agricultural labourers, and living at the expense of one. Consequently he could do nothing that would in any way injure their condition. He could not vote therefore for the present Bill; but, at the same time, he was so much of a Home Ruler, that he would accept the opinion of the Scotch Members on the question. He believed the tenant-farmers of Scotland were nearly unanimous on the subject; and that being the case, he should be compelled again to act as he had done of late years, and to abstain from voting on the question altogether.

COLONEL MURE desired to make a few remarks on the speech of the hon. Baronet the Member for Portsmouth. The hon. Baronet had drawn a very melancholy picture of the evils which would result to commerce if the law of hypothec were abolished. Now, as he understood the author of this Bill, it applied only to agricultural subjects. Hypothec was, in fact, an artificial lien which a landlord had upon his tenant's property. Now, there were various kinds of liens. There was the lien a lawyer had over his client's papers; a sailor had a lien on the cargo of his ship; the Custom House or the Government had a lien on goods deposited, which could not be freed until the dues were paid. But these were all natural liens—namely, liens on goods in possession, in keeping or manipulating which expenses had accrued. In Scotland, however, the greater part of the land was let on lease. In the old times, to which his hon. Friend the Member for Linlithgow (Mr. M'Lagan) had referred, there was a dis-

tingent partnership between the landlord and tenant, much on the old *métayer* system, the landlord supplying, besides the land, sometimes even stock and implements, and the rent was the proportion of profit accruing to the landlord, and not a fixed annual payment. But in these days the case was totally altered—the land was let principally on lease for 19 years, for a fixed money rent. Now, under the stringent power of a Scotch lease, the land belonged to the tenant, and not only for usufruct, for it was necessary that the landlord should introduce a clause in the lease providing for his free entry upon the land to seek for game or for other purposes. Practically, therefore, for the duration of the lease, the land was in the tenant's possession—not in that of the landlord; and, consequently, the tenant's goods could not be subject to a lien unless it was an artificial lien—this, therefore, was not a lien which ought to be recognized by the law of hypothec. He quite agreed with some remarks which fell from his hon. Friend the Member for Linlithgow, to the effect that it was very wrong to introduce into the present discussion topics which might tend to impair the good relation subsisting between landlord and tenant. He had no hesitation in saying that the relations between landlord and tenant in Scotland were excellent. He meant to support the Bill because he had promised to support it; but he denied that there was any reason for supporting the measure on the ground that the law of hypothec created a bad feeling between landlord and tenant. He supported it on political economic grounds purely. The hon. Member for Aberdeenshire (Mr. M'Combie) had stated that the tenant-farmers required relief. Well, looking at the distinguished position which the hon. Member had achieved in the commercial and agricultural system of the country, entirely by his success as a tenant-farmer, he did not think he required either out-door or in-door relief. If the hon. Member came before the House as a specimen of a poor Scotch farmer labouring under the law of hypothec, and seeking relief, he must be regarded as a very infirm advocate of the cause. An argument had been adduced that by the law of hypothec the market for farms was unnaturally raised,

and that the unnatural credit which a tenant had from his landlord often enabled a farmer with little or no capital to take possession of the soil. These arguments had been worn threadbare; but he had no hesitation in saying if we had absolute free trade as it existed in other countries, farmers who possessed sufficient capital, and were otherwise qualified to occupy farms, would be sure to find them; while other persons who had not sufficient capital, or who were not qualified to be farmers, would have to seek some other occupation more suited to their capacity. In the course of his travels and his reading, he had learned a little about land tenure in foreign countries. At the time of the discussions on the Irish Land question, a great deal was said about the charming position of the small cultivators and small proprietors in Belgium. Probably, there was not so miserable a class of men in the world. The small tenant of a *petit propriétaire* was obliged to take small patches of land, and he and his wife and children literally watered the land with their sweat. The children were worked to the bone as soon as they were old enough to work, and were brought up in the grossest ignorance. Moreover, in Belgium, at the close of the last hour of the last day of the agricultural year, the landlord might step in and sell up his tenant without any warning whatever. Now, could anything present a more striking contrast than the position of the hon. Member for Aberdeenshire, or of the hon. Member for South Norfolk, compared with that of the small tenants of the *petits propriétaires* of the plains of Belgium? With regard to hypothec, he wished to assure the House that landlords and tenants could live in perfect security without that law. In Schleswig-Holstein, where the tenure of land was very much the same as in this country, there was absolutely free trade between landlord and tenant—that was to say, there was no artificial law that pointed out a statutory means of security, such as the law of hypothec in Scotland. Formerly, hypothec was not statutory, but merely a stereotyped custom. Now, however, it had become almost statutory, because the custom had been regulated by statute. In Schleswig-Holstein the land was usually let on lease, and there the landlord and tenant had absolute freedom, and de-

cided between them what security should be given. The consequence was that both met on equal terms. Again, in Saxe-Coburg-Gotha, or rather in those districts of the country where nine-year leases were usually granted—for the greater part of it was let on the *métayer* system—there was no law whatever at all resembling hypothec. Neither was there in the lowlying lands on the fertile banks of the Po, which might be termed the Garden of Southern Europe. There the farmers were men of great intelligence and comparative wealth, while the landlords, like our own, generally had large estates; but there was no interference whatever, either by custom or law, between landlord and tenant. But this curious practice prevailed: the tenant usually agreed to pay down three years' rent—and the chances were that he would have to borrow the money—but the landlord paid him 7 or 8 per cent interest for it during the term of the lease, which was generally for from 9 to 12 years. Practically, this amounted to a custom; and there was a graduated scale, according to the demand for farms, of the amount of interest which accrued to the money. He had no hesitation in saying that, in these days, men without capital had better go and work as labourers until they got capital—and then they might become farmers; for in these days, to carry out farming successfully, costly appliances were necessary, and no farmer could compete in the great agricultural markets who had no capital. If the law of hypothec were abolished, he believed rents would at first fall on paper, but as the land became better cultivated would eventually rise. At the close of the Abyssinian War, when the right hon. Gentleman the present Member for the University of London (Mr. Lowe) was Chancellor of the Exchequer, he was at a loss for funds to supply a rather grave deficit. What did he do? Why, he changed the incidence of taxation from assessed taxes to licences; he put £500,000 into his pocket and made a very good business of it, while nobody felt any the worse. If the abolition of the security of hypothec resulted in forehanded rents—it was clear that, in the case of a landowner of an estate let in the aggregate for £5,000 a-year, on 19 years' leases, from the moment forehanded rents were enforced, in the course of 19 years he would put £5,000 in his

Colonel Mure

pocket. That, he thought, would be a very satisfactory result, and, therefore, he should give his support to this Bill. He had warned the tenant-farmers in his district what the result would be; but they were so anxious for the repeal of the law that they were prepared to make the sacrifice—if, indeed, it could be called one. He had been anxious to say a few words respecting this measure, more especially as he desired to assure this House that he supported, not on account of any supposed differences, which in reality did not exist, between landlord and tenant, but because he believed that while free trade would result, perhaps, in landlords having less rent on paper, they would, under a free system, be more careful in choosing tenants, and get better security. In his own district the result of the law of hypothec had been that a vast number of agricultural tenants, without capital, were retained on the soil, and the land-owners had not been able to take advantage of the increased intelligence, the increased capital, and the increased agricultural science, which was now happily in the possession of Great Britain.

SIR GEORGE H. SCOTT DOUGLAS: I quite admit the many benefits which the law of hypothec has conferred upon Scotland, and I fully acknowledge the very great assistance that law has given in developing the agriculture of Scotland, and raising it to its present high position; but we must not forget the very great changes which have taken place during the last century, not only in the condition of Scotland, but also in the conditions of agriculture there. Scotland formerly was very poor, the greater part of the country an uncultivated waste, whilst those portions under tillage were worked by tenants who depended almost entirely upon their own intelligence and persevering industry, the resources of their farms, and the kindly feeling of their landlords. Now, Scotland possesses a fair amount of capital; her uncultivated wastes have been converted into fertile and highly productive districts; the science of the chemist and the inventive skill of the engineer have been called in to aid the farmer in the cultivation of the soil, by supplying him with manures, artificial and imported, feeding stuffs, and agricultural machinery, the accounts for all of which form heavy items on the work-

ing expenses of a farm; and the merchants who furnish these necessities naturally feel it to be a hardship that they should run the ordinary risks of trade, while the rent of the landlord is secured to him by an exceptional law. I am quite aware it is said, that if the law of hypothec is abolished, competition for farms will be lessened, rents lowered, and the security of the landlord taken away. I have no fear of any such consequences, for I believe that the country contains abundant capital, and a farmer's life is a pleasant and healthy occupation much sought after—and, moreover, I have always noticed that when farms are vacant on well managed estates, there is no lack of competition for them; and a landlord has only to select, not the highest offerer, but the man who can show good antecedents and sufficient funds, and then by making careful conditions and a proper bargain, his rent will be as secure as at present. The question of hypothec has now for some years been a cause of agitation in Scotland, where it is felt as a grievance by the tenants and the public; whilst the landlords, whose interests the law was framed to protect, are indifferent as to its continuance. I know that what I have said is the feeling in the highly cultivated country which I have the honour to represent, and such is my own view. I shall, therefore, support the second reading of the Bill of my hon. Friend the Member for Wigtonshire—and before sitting down, I must say that in that part of Scotland from which I come the feeling between landlords and tenants is very good, their interests are almost identical; and I believe that it is outcries and denunciations like those indulged in by the hon. Members for Forfarshire and Aberdeenshire, which have, to a very great extent, retarded and obstructed legislation on this and other agricultural subjects.

GENERAL SIR GEORGE BALFOUR supported the Bill of the hon. Member for Wigtonshire because he thought it a good thing to get rid of laws which were no longer necessary, and because he believed that the law of hypothec tended to retard or prevent that investment of capital on the land which was one of the necessities of our times. He regretted that English Members had been found to urge the retaining of this law in a country where the conditions on which

agriculture was carried on, through the aid of long leases differed so materially from those prevailing in England, but the hon. Member for South Norfolk (Mr. Read) had acted more wisely in saying that Scotch Members should be allowed to decide the question for themselves. The law of distress was widely different in England from that of the hypothec of Scotland, and he could assure the House that a large portion of the sequestrations which had taken place was for the purpose of having security for the rent to become due. Why were the landlords to be supposed to be incapable of looking after their own interests? Why not leave them to look after their own affairs instead of providing them with a special law? A point had been raised as to landlords being so liberal by allowing men to undertake the cultivation of land who had not sufficient capital; but if the landlords were left to consider their own interests, without the protection now given by the law to an unjust contract as against the farmer, they would look about them in order to select only those men who by means of capital, intelligence, and good conduct would do justice to the land. He was not there to speak with regard to assisting poor farmers, for he wished to see them rise by their own exertions to independence; but he might say that he believed that Scotland had risen to her present position in spite of this law. When they looked back for nearly 100 years, they would see what a great change in the cultivation of the soil had taken place through the Montgomery Act giving long leases. A great portion of the wealth from the land rentals of Scotland had been made mainly by long leases, whereby persevering and industrious farmers had without aid from landlords brought land into cultivation and improved and benefited the land fit for agriculture. He thought this was an unjust law, which favoured a powerful interest that no longer required such protection, while the feeling of Scotland was totally opposed to the longer continuance of such a law. He trusted the English Members would permit the Scotch Members to deal with this question which peculiarly affected Scotland. The Scotch Members did not desire to interfere with the English land laws. On those grounds he should support the second reading of the Bill.

General Sir George Balfour

MR. MARK STEWART said, the district which he represented contained amongst the constituency many gentlemen who were interested in the question, and who had long expressed the decided opinion that hypothec ought to be abolished. After having given great consideration to the question, he was prepared to support the second reading of the Bill. It contained principles which had not been alluded to so far in the debate, and the Bill not only concerned what was agricultural, but it had also reference to mills, shops, and places of manufacture. That involved a different consideration, and if the Bill reached Committee it would be necessary to go thoroughly into the question, and to use other arguments than those already heard. The hon. Member for Aberdeenshire declared that the tenant-farmers of Scotland could not take care of themselves. He understood the hon. Member to say that he had never been bound by any writing or parchment, and never would be. He was a very fair sample of the kind of tenant-farmer who came from Scotland, and his career and independence did him great credit; but at the same time when he held up the tenant-farmers, as he might say, almost to the ridicule of the House of Commons and the country by saying that they were utterly unable to look after their own interests, the hon. Member branded them in a manner which they did not deserve. He also laid great stress on the opinion that the question was a landlords' question. He (Mr. M. Stewart) utterly denied that it was a landlords' question. He was interested in land both as a farmer and a landlord, and he wished to tell the hon. Member that he had not, in the management of the estates of which he had experience, ever known a single case of hypothecation. The House, then, might say—"Why come here to advocate the abolition of a law under which no material injury has arisen?" Because it was the opinion of all persons during his election contest that he had come in contact with, that it was undesirable to continue the law of hypothec. The House should recollect that hypothec originated at a time when the landlord had to give everything for the cultivation of the soil—not only to look out for a tenant, but to provide the stock, implements, and seed, and other necessities

for carrying on the farm; but now of that was done away with. In his part of the country all the farms were fore rented, and practically the abolition of the law of hypothec would not much influence the proprietor. He utterly denied that the matter was a landlords' question, for if hypothec were done away with the landlord would not allow himself to be defrauded of his rent. He would put in some clause, in some agreement, or in some way, he would take precious good care of his own rights. The hon. Member had suggested that the tenant-farmers were a down-trodden class, but the landlords had nothing to fear in the discussion. Distinctive and class privileges were doubtless doing a great deal to embitter the feeling between landlord and tenant; but there were not engendered all those feelings which the hon. Member opposite had attributed to the landlords of Scotland. It had been said in the course of the debate that small farmers would suffer. No doubt they would suffer. He thought, in fact, that was the very strongest argument that could be used against reading the Bill a second time, and if he were opposing it, that would be his sole argument; but he was influenced in his present views by the fact that in the country he came from there was in his experience, and, so far as he had heard, little or no difference of opinion on the question, not only amongst the large tenants, but also amongst the small tenants. It had been found that men of straw did offer for farms. Although at first the landlord thought he was getting a great rise of rent, it did not last, as these men, having no capital, could not stand in bad seasons. The farm got badly cultivated, and in the end both the landlord, the tenant, and the country were injuriously affected. Competition was also, in another way, unduly fostered. A man came into a country new to him, and offered for a farm. He saw the surrounding farms let at a very high rent, and he thought he was safe in doing the same thing. He would not take into consideration that the landlord's right of hypothec virtually protected him against loss from an injudicious offer on the part of the tenant, and he offered a fictitious rent. Sometimes a man's goods were sequestrated from year to year, and there could be no doubt that under such management the farm suffered. He did

not attach such great importance to the diminished credit of the tenant under the law of hypothec, though, no doubt, it operated harshly on occasional emergencies. Not only would the manure agents and seedsmen decline to trust a man; but the person on whom the tenant was, in these days, most dependent, the banker, would not trust him. There were other classes of persons who also would suffer. The blacksmith, the joiner, the clothiers, the ironmonger, and other small tradesmen, wholly depended for their livelihood on the well-doing of the tenant-farmer. On well-managed estates these hardships were not, he believed, often felt; but still there was no blinking the fact that they might rise up any moment, as had been said that though the majority of the landlords might be good landlords, there were bad ones as well. That was perfectly true; and if he were opposing the second reading he should give very strong advice to let well alone. It had been said that capital would flow into other channels; but there was no evidence for the use of the argument. The statement that the Bill would interfere with long leases was very serious; but when a landlord chose a tenant, he had to consider the class of tenant he had to get, the best rent—from a reasonable point of view—that could be obtained, and how to get his farm into the best condition, for on that depended any fair rise which might be expected at the end of the lease; and taking that and other matters into consideration, he did not think the landlord would be inclined to take short leases in place of long ones. The House must not forget that the customs relating to land in Scotland were on a very different footing from those of England. In Scotland the landlord paid half of the poor-rate, the whole of the county rate, half of the school rate, the whole of the minister's stipend, the repairs of the manse and church, and, till lately, those of the parish school. This might be taken as an argument against the Bill; but the House should consider both sides of the question. In his opinion it was not; as the landlords, he believed, were generally of opinion that it was a tenant's and not a landlord's question; and opposition on their part mainly arose on that score; and no doubt there was many a poor man who had risen to opulence and to be a large

farmer owing to circumstances certainly to be traced to the protection the law of hypothec had given. It had already been remarked that hypothec had done its work, and if that was the feeling in Scotland, where its operation was best known, the House need not scruple to give its sanction to the principle of the second reading of this Bill. One word as to urban hypothec. During the two keen contests in his group of burghs last year, embracing many rural as well as urban voters, he had never heard of any wish to abolish it, or any grievance on that score. It seemed to him the first necessity to a poor man was the shelter of a house to protect him. The rent of a man's house was very small, and very different from that of a farm, which not only afforded shelter, but in it was embarked all a man's capital for the purpose of carrying on the farm. He would not trouble the House at greater length; but he wished to say he intended to support the Bill, because he considered that in course of time it would allay agitation and repress any feeling of bitterness that might exist between landlord and tenant, and which the common weal of the country required should not exist. He trusted, if the measure were carried, that great care would be taken in Committee to make it effective and conducive, to the welfare of the country.

MR. R. W. DUFF was not singular, he thought, in asking the House that the Bill should be made to apply to the towns as well as the country. Speaking as a landlord, he did not at all object to the Bill so far as related to agricultural hypothec, because the landlords could take care of themselves—but he did object to getting the thin end of the wedge in, to having one law for the town and another for the country. He could understand hon. Members saying that they would abolish hypothec for the country but not for the towns—because the owners of house property in towns were a very powerful body—almost as powerful as the publicans—but he could not approve such a policy—and if he gave his support to the second reading it would be on the distinct understanding that if the same law was not allowed for both town and country, he would take the opportunity of voting against the Bill on every occasion. As to the rent system, he was quite certain, speaking from the knowledge of his own con-

stituency, that the tenants had not capital sufficient to go from one system to the other. In that part of the country it was impossible for the landlord to look to “forehand rent;” and he thought the majority of the tenant-farmers in the north of Scotland had not sufficient capital to give forehand rent. He hoped that there would be some expression of opinion from Her Majesty's Government on the Bill before the debate closed. The hon. Member for South Norfolk had certainly addressed the House; but he said that he would not vote at all on the question; and as the Lord Advocate was then, or had recently been in the House, he hoped the right hon. and learned Member would favour them with the opinion of Her Majesty's Government on the question. He would support the second reading, but on the distinct understanding which he had mentioned.

MR. RAMSAY pointed out that the measure dealt not only with agricultural subjects, as the term “heritable” used in the Bill would include warehouses, factories, and all descriptions of property except dwelling-houses, which were expressly exempted. That was a point on which he would have liked to have heard the opinion of the Lord Advocate. In regard to the discrepancy between several of the speakers as to the state of public opinion in Scotland, he begged to explain that the feeling against the law of hypothec existed chiefly in the arable districts on the east coast, while he had not heard of a Petition against it from the pastoral districts in the west of Scotland. That was an important consideration. If it were the intention of the hon. Member for Wigtonshire to include urban tenements, as well as those which were agricultural—and he believed the true construction of the Bill would be that both were included in its provisions—it ought to be distinctly stated. He wished the Lord Advocate had been in his place, because he might have favoured them with his views on the general question. As to the question of “forehand rents,” there were strictly entailed estates, and if hypothec were abolished there must be an alteration of the law, or a tenant might be liable to pay twice. He (Mr. Ramsay) would be glad to support the abolition of the law of hypothec, but their legislation should be devised with reference to other existing laws, and not merely for

Mr. Mark Stewart

the removal of an apparent defect without any regard to the consequences that would ensue, or the effect which such removal might have on the legal position and rights of owners and occupiers respectively.

LORD ELCHO said, he was anxious to press one or two points upon the attention of the House. He certainly agreed with his hon. Friend opposite (Mr. R. W. Duff) that the question was one of such great importance that they ought to have some expression of opinion from some responsible representative of the Government. He said it was a most important question; and on this ground—although his noble Friend (Viscount Macduff), who spoke so well in the earlier part of the debate, said he hoped that the question would be treated as a Scotch one, he (Lord Elcho) trusted that it would not be so treated. It was not a Scotch question. It rested on a much broader question, for it affected England and Ireland quite as much as it did Scotland. What was the principle of the Bill? It was a very short Bill; it consisted only of 12 lines, but in those 12 lines there was embodied an absolute revolution as regarded the security enjoyed by the owners of property for their lands and rents. That was not a question which ought to be disposed of in 12 lines. It not only affected England and Ireland as well as Scotland, but it affected only one description of property—namely, that of land. Why should not other property be dealt with in the same way? The question was not one that should be dealt with in that haphazard manner, and they ought to have a distinct expression of opinion from the Government. For instance, did they or did they not think it was right for owners to have some security? Did they or did they not think there was any reason why Scotland should be legislated for differently from England and Ireland? If the Government did think so, then they ought to bring in a Bill. If, on the other hand, they thought there was no reason for dealing exceptionally with Scotch property as compared with Irish and English property, then he thought they ought to say so. With regard to the statements that it was a landlord and tenants question, he, speaking as the son of a landlord, denied that it was. After the passing of the Bill—if it should pass—any landlord could secure himself

against any loss; but it would be at the expense of the small tenant. The hon. Member for South Norfolk (Mr. Clare Read) had in his speech in that debate stated that he could not shut his eyes to the fact that a great and meritorious class of farmers were benefited by the English law of distress, which was the counterpart of the Scotch law. He also stated—and he (Lord Elcho) was astonished at the statement—that in his own county there were 10,000 tenants with holdings under 20 acres, while the average quantity held by the small tenants and the “bloated aristocracy of farmers,” as they were called by the hon. Baronet the Member for Portsmouth, amounted only to 60 acres. The question was a wider one than many persons supposed. He thought that the Bill, if carried, would operate most injuriously on what the hon. Member for South Norfolk had most justly described as a most industrious and hardworking class—the small tenants of Scotland.

MR. LEEMAN said, he was anxious to call the attention of the House to some facts connected with the history of this measure. In 1871 a similar Bill was introduced, and was rejected by nearly two to one; in 1873 the same thing happened; but it seemed that the gentlemen promoting this agitation had resolved to continue it, whatever the decision of the House, until they had succeeded in carrying their proposal. It was what one hon. Gentleman had called a “noisy agitation in Scotland,” but a great deal of the agitation might be confined to a very few persons. Full consideration had been given to this subject by a Royal Commission, which sat in 1864, and reported in 1865. That Commission, which was composed of many very eminent Members, examined 102 witnesses from Scotland, and the conclusion arrived at was to the following effect—

“In the general principle of the law, under which the landlord of an agricultural subject has, in security of his rent, a preference over the crop raised on the ground, and the stock brought upon it by the tenant, we are not disposed to recommend any alteration. Our investigations have regarded the results of a system which has existed for centuries, not only without complaint, but as a subject of commendation, both by legal writers and by persons practically conversant with its operation. That system is intimately interwoven with the land rights of Scotland. Numerous analogies to it are found in other branches of our jurisprudence, and under its influence this country has un-

doubtedly made great advances in the science and practice of agriculture. We are inclined to think that, both on the part of the opponents of the present law of hypothec and of its supporters, the consequences which would be likely to result from its repeal may have been to some extent exaggerated. But such a measure would, in our opinion, certainly be followed by alterations in the tenancy of land in Scotland, which must act injuriously on the tenants, and especially on the smaller tenants, and would probably remove many of that valuable and industrious class from their present possessions. We should also anticipate, from the abolition of the existing law, other changes in the relation between landlord and tenant, which might operate very differently in different parts of the country, but the ultimate consequences of which it is impossible to foresee."

The Commissioners went on to say that they felt there were some hardships in the operation of the law which should be modified or removed, and they made certain recommendations with regard to the modifications which they thought might be introduced. The effect was that in the following year a Bill was brought in which carried out to the full the recommendations of the Commission and becoming law, removed many of the objections which existed to the old law. The landlord was prevented from following the crop, beyond three months after the rent became due. Before that he could have followed it for a considerable time. Further, there had been power to seize the cattle belonging to another person which might be found on the lands of the tenant for rent due. The new law provided that the cattle taken to graze should only be liable to be seized for the value due from their owner to the farmer upon whose land they were in respect of the grazing. The amelioration of the old law was very considerable in several respects. Complaints, however, continued to be made, and in 1869 a Select Committee of the House of Lords was appointed, which called a great number of additional witnesses. That Committee said in its Report:—

"The next objection to the law of hypothec was that it stimulated an unhealthy competition for land, and raised rents above their natural level."

The broad ground on which the present Bill was based was, that it was to have the effect of destroying competition on the part of the small tenants.

Mr. VANS AGNEW said, he never stated that the competition of the smaller tenants would be discouraged. He spoke

of the competition of men without capital—without sufficient means.

Mr. LEEMAN said, the hon. Gentleman had spoken of the small tenant as a gentleman who had a farm at £50 a-year, and who worked it with his own family and two horses. There were thousands of such men in Yorkshire. He (Mr. Leeman) objected to the Bill because the abolition of the law of hypothec must be followed by the abolition of the law of distress. The hon. Gentleman went further, and quoted the language of a witness before the Commission, to the effect that if hypothec was abolished, the small tenant must go to the wall. The Commissioners stated that by the existing law, rents were usually paid after the tenant had the benefit of the crop. The doctrine of the present Bill was, and its consequences would be, that the tenant should pay the money down before he saw a crop. The Commissioners went on to say—

"With regard to the arable land, the first payment for land seldom takes place in less than twelve months, more frequently in eighteen, and in some cases not until twenty-one months after a tenant has entered on the farm. This long credit enables them to enter on the farms with less command of capital than would otherwise be necessary: while it is affirmed by those who support the law that if the security derived from the law of hypothec were withdrawn from the landlords, they would consider it unsafe to give such advantage to the tenants, and would insist on having the rent paid, if not in advance, at all events at the end of the first half-year."

To that Report the late Lord Advocate (Mr. Young) and Mr. Carnegie, the hon. Member for Forfar, were the only objectors. In 1869 Mr. Carnegie brought in a Bill in direct contrariety to the Report from which he dissented, to abolish hypothec; but the Government supported the Report. In the debate the Lord Advocate admitted that the logical consequences of the Bill must be the abolition of distress in England—for which indeed he contended, honestly enough, from his point of view. The debate was more than once adjourned; but on a division the second reading was carried by 127 votes to 91. Owing to the time of Parliament being occupied by another subject, the Bill proceeded no further that session; but in 1871 Mr. Carnegie again introduced the Bill; but upon this occasion it was rejected by nearly two to one—the numbers being 105 in favour of the second reading against 186 against it. Something had

Mr. Leeman

been said of the difficulty in which the introducer of the Bill involved himself by having omitted to include the urban portions of Scotland. On the occasion of Mr. Carnegie's Bills the urban population was included; and the proposal was met by the Members for Edinburgh and other large towns in Scotland, who said the effect of the abolition of the law of hypothec would be that in Edinburgh alone there were 15,000 houses under £12 a-year rent—the occupants of which would be unable to get habitations if the law of hypothec were abolished—it was the present law that enabled those people to get houses over their heads; with the law abolished, every man who went to take a house must take his money in his pocket for the first quarter's rent, or he would not be admitted. Mr. Carnegie and the Lord Advocate said if the law of hypothec was abolished for the country districts, it must be abolished for the urban districts also. The Bill was lost as he (Mr. Leeman) had stated. In 1873 it was again introduced by Sir David Wedderburn, and rejected by 83 to 147—the English Members showing by their votes, that if Scotch Members were prepared to act injuriously to the small tenants in Scotland by the abolition of the law of hypothec, English Members were not prepared to follow their example by the abolition of the law of distress in England. The landlord's power of distress, in fact, gave him the means of adding to the capital of the poor man, who, if this law were abolished, would never be able to get a bit of land. He could mention the case of a man who commenced life as a humble shepherd, and who got on until he became possessed of considerable property; that he could never have done but for the operation of the law of hypothec. He hoped the House would pause before it passed this measure. Since the Royal Commission and the Select Committee that had inquired into this subject had made their Reports, nothing had occurred in the circumstances of Scotland to induce the House to alter its determination on two previous occasions, not to abolish the law of hypothec.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 138; Noes 156: Majority 18.

Main Question, as amended, put, and agreed to.

Second Reading *put off* for six months.

AYES.

Adam, rt. hon. W. P.	Holms, J.
Alexander, Colonel	Holms, W.
Anderson, G.	James, Sir H.
Anstruther, Sir W.	James, W. H.
Balfour, Sir G.	Johnston, W.
Barclay, J. W.	Johnstone, H.
Bass, A.	Kay - Shuttleworth,
Bass, M. T.	U. J.
Beaumont, Major F.	Kinnaird, hon. A. F.
Beaumont, W. B.	Laing, S.
Biggar, J. G.	Lawrence, Sir J. C.
Brady, J.	Leith, J. F.
Brassey, H. A.	Locke, J.
Briggs, W. E.	Lorne, Marquess of
Brogden, A.	Lubbock, Sir J.
Brown, A. H.	Lusk, Sir A.
Browne, G. E.	Macartney, J. W. E.
Bruce, hon. T.	Macdonald, A.
Burt, T.	Macduff, Viscount
Butt, I.	Macgregor, D.
Callender, W. R.	Mackintosh, C. F.
Cameron, C.	McCombie, W.
Campbell-Bannerman,	McKenna, Sir J. N.
H.	McLagan, P.
Chadwick, D.	Maitland, J.
Childers, rt. hon. H.	Marjoribanks, Sir D. C.
Clarke, J. C.	Martin, J.
Cole, H. T.	Matheson, A.
Collins, E.	Meldon, C. H.
Conyngham, Lord F.	Monck, Sir A. E.
Corry, J. P.	Monk, C. J.
Cowan, J.	Montagu, rt. hon. Lord R.
Cowen, J.	Montgomerie, R.
Crawford, J. S.	Morgan, G. O.
Cross, J. K.	Mundella, A. J.
Dalrymple, C.	Muntz, P. H.
Davie, Sir H. R. F.	Mure, Colonel
Davies, R.	Noel, E.
Dilke, Sir C. W.	Nolan, Captain
Dodds, J.	Norwood, C. M.
Dodson, rt. hon. J. G.	O'Connor, D. M.
Duff, R. W.	O'Gorman, P.
Dunbar, J.	O'Keeffe, J.
Edmonstone, Adm. Sir	O'Shaughnessy, R.
W.	O'Sullivan, W. H.
Edwards, H.	Pender, J.
Errington, G.	Pennington, F.
Esmonde, Sir J.	Playfair, rt. hon. L.
Ewing, A. O.	Plimsoll, S.
Eyton, P. E.	Power, J. O'C.
Fawcett, H.	Power, R.
Ferguson, R.	Rashleigh, Sir C.
Fitzmaurice, Lord E.	Rathbone, W.
Fletcher, I.	Redmond, W. A.
Fordyce, W. D.	Reed, E. J.
Forster, rt. hon. W. E.	Richard, H.
French, hon. C.	Robertson, H.
Gourley, E. T.	St. Aubyn, Sir J.
Grieve, J. J.	Scely, C.
Harrison, C.	Sherriff, A. C.
Harrison, J. F.	Smith, E.
Havelock, Sir H.	Smyth, P. J.
Hayter, A. D.	Stacpoole, W.
Hervey, Lord F.	Stafford, Maquess of
Holland, S.	Stansfeld, rt. hon. J.

Stewart, M. J.
Taylor, P. A.
Tillett, J. H.
Trevelyan, G. O.
Vivian, A. P.
Waterlow, Sir S. H.
Whitwell, J.
Whitworth, W.

Williams, W.
Wilson, C.
Yeaman, J.
Young, A. W.

TELLERS.
Agnew, R. V.
Douglas, Sir G.

NOES.

Adderley, rt. hn. Sir C.
Assheton, R.
Baggallay, Sir R.
Bagge, Sir W.
Barrington, Viscount
Bates, E.
Bathurst, A. A.
Beach, rt. hn. Sir M. H.
Bentinck, G. C.
Bentinck, G. W. P.
Beresford, Colonel M.
Birley, H.
Boord, T. W.
Brise, Colonel R.
Brymer, W. E.
Buckley, Sir E.
Cave, rt. hon. S.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Churchill, Lord R.
Clifton, T. H.
Clive, Col. hon. G. W.
Clive, G.
Close, M. C.
Cochrane, A. D. W. R. B.
Cordes, T.
Corry, hon. H. W. L.
Crossley, J.
Cubitt, G.
Cuninghame, Sir W.
Cust, H. C.
Dyke, W. H.
Eaton, H. W.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Elphinstone, Sir J. D. H.
Emlyn, Viscount
Eslington, Lord
Finch, G. H.
Floyer, J.
Forester, C. T. W.
Forsyth, W.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Gardner, J. T. Agg-
Garnier, J. C.
Gibson, E.
Goldney, G.
Gordon, rt. hon. E. S.
Gordon, W.
Gore, W. R. O.
Gorst, J. E.
Hall, A. W.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, Marq. of
Hamond, C. F.
Hardy, J. S.
Hay, rt. hn. Sir J. C. D.
Hermion, E.
Hervey, Lord A. H.
Hick, J.
Hodgson, W. N.
Hogg, Sir J. M.
Holland, Sir H. T.
Holmesdale, Viscount
Holt, J. M.
Hope, A. J. B. B.
Isaac, S.
Johnson, J. G.
Jolliffe, hon. S.
Jones, J.
Kavanagh, A. MacM.
Knightley, Sir R.
Lacoe, Sir E. H. K.
Learnmonth, A.
Legard, Sir C.
Legh, W. J.
Leigh, Lt.-Col. E.
Leslie, J.
Lewis, C. E.
Lloyd, S.
Lloyd, T. E.
Lopes, H. C.
Lopes, Sir M.
Lowther, J.
Mahon, Viscount
Majendie, L. A.
Makins, Colonel
Malcolm, J. W.
Manners, rt. hn. Lord J.
March, Earl of
Marling, S. S.
Marten, A. G.
Mellor, T. W.
Mills, Sir C. H.
Monckton, F.
Mowbray, rt. hn. J. R.
Naghten, A. R.
Nevill, C. W.
Newdegate, C. N.
Newport, Viscount
Noel, rt. hon. G. J.
North, Colonel
Northcote, rt. hon. Sir
S. H.
Pease, J. W.
Pelly, Sir H. C.
Percy, Earl
Pim, Captain B.
Plunket, hon. D. R.
Plunkett, hon. R.
Powell, W.
Puleston, J. H.
Rendlesham, Lord
Ridley, M. W.
Ripley, H. W.
Roebuck, J. A.
Round, J.
Sanderson, T. K.
Sandford, G. M. W.

Sandon, Viscount
Scott, M. D.
Selwin - Ibbetson, Sir
H. J.
Sidebottom, T. H.
Smith, F. C.
Smith, W. H.
Smollett, P. B.
Stanhope, hon. E.
Stanley, hon. F.
Stanton, A. J.
Starkey, L. R.
Talbot, J. G.
Taylor, rt. hon. Col.
Tennant, R.
Torr, J.
Trenayne, J.
Turner, C.
Twells, P.
Vance, J.

Verner, E. W.
Walker, T. E.
Wallace, Sir R.
Walpole, rt. hon. S.
Watney, J.
Welby, W. E.
Wells, E.
Wethered, T. O.
Wheelhouse, W. S. J.
Williams, Sir F. M.
Wilmot, Sir H.
Winn, R.
Wolff, Sir H. D.
Wynn, C. W. W.
Yarmouth, Earl of
Yorke, J. R.

TELLERS.
Gregory, G. B.
Leeman, G.

AGRICULTURAL LABOURERS
DWELLINGS (IRELAND) BILL.

(*Mr. Bruen, Viscount Crichton, Mr. Kavanagh.*)

[BILL 17.] SECOND READING.

Order for Second Reading read.

MR. KAVANAGH moved that the Bill be now read a second time.

SIR JOSEPH M'KENNA said, there was not time to discuss it at that hour—20 minutes to 6. He would therefore move the adjournment of the debate.

Motion agreed to.

Debate adjourned till Wednesday next.

MATRIMONIAL CAUSES AND
MARRIAGE LAW (IRELAND) BILL.

(*Mr. Gibson, Mr. Bruen, Mr. Mulholland, Mr. Macartney.*)

[BILL 79.] SECOND READING.

Order for Second Reading read.

MR. GIBSON moved that the Bill be now read a second time.

SIR MICHAEL HICKS-BEACH said, he did not object to the second reading, but thought the Bill would require consideration by the Synod of the Disestablished Church in Ireland. Therefore he hoped the hon. and learned Gentleman would fix a day for going into Committee which would allow such consideration in the meantime.

MR. GIBSON named the 20th April for going into Committee.

Motion agreed to.

Bill read a second time, and committed for Tuesday, 20th April.

MUTINY BILL.—SECOND READING.

Order for Second Reading read.

MR. P. A. TAYLOR said, the Bill had not been printed. He thought it should not be proceeded with until hon. Members had an opportunity of seeing it.

MR. STEPHEN CAVE said, this Bill was never printed before the second reading, as the principle was not controverted, but the discussion was always taken in Committee. He would take care that ample Notice should be given to hon. Members of any Amendments before the Motion for going into Committee.

Bill read a second time, and committed for Thursday, 18th March.

MERCANTILE MARINE HOSPITAL SERVICE BILL.

On Motion of Captain PIM, Bill to provide for the organisation of a Mercantile Marine Hospital Service and the Medical Examination of Merchant Seamen, ordered to be brought in by Captain PIM and Mr. WHEELHOUSE.

Bill presented, and read the first time. [Bill 91.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 11th March, 1875.

MINUTES.] — PUBLIC BILLS — Committee — Patents for Inventions (15-36). Report—Increase of the Episcopate* (35). Third Reading—Police Magistrates, Metropolis (Salaries)* (31), and passed.

PARLIAMENT—THE EASTER RECESS.

EARL GRANVILLE inquired of the Government, what were the arrangements they intended to propose in connection with the Easter Recess?

THE DUKE OF RICHMOND said, he proposed if it met the convenience of their Lordships, that they should adjourn on Friday, the 19th inst., and re-assemble on Tuesday the 6th of April.

THE CLERK OF THE PARLIAMENTS.

The letter from Sir John George Shaw Lefevre, K.C.B., tendering his resignation of his Office of Clerk of the Parliaments, considered (according to Order).

THE DUKE OF RICHMOND: My Lords, I have now the opportunity, which I accept with great pleasure, of paying my tribute of respect and regard to Sir John Lefevre, and to express my regret at the course which he has felt bound to adopt, of resigning the office of Clerk of the Parliaments which he has so long held. I cannot refrain from saying that I consider I have an hereditary right to express the feeling of respect and regard which I entertain for him, because I know that it was also entertained by my late Father, who was associated on many occasions, both in public and in private, with Sir John Lefevre. No man stood higher than he did in my Father's estimation. After what was said the other evening, I do not think that I should be doing right in trespassing any further on your Lordships' time—the more particularly as the subject is one on which the utmost unanimity exists. I beg to move the following Resolution:—

"That this House has received with sincere concern the resignation of Sir John George Shaw Lefevre, K.C.B., of the office of Clerk of the Parliaments on account of recent indisposition and his advancing age, and they think it right to record the just sense which they entertain of the zeal, ability, diligence, and integrity with which the said Sir John George Shaw Lefevre, K.C.B., has executed the important duties of his office during the period of nearly twenty-seven years."

LORD SELBORNE: I wish, with your Lordship's permission, to make a few observations, founded on experience before I was a Member of your Lordships' House, as to the kind assistance given by the late Clerk of the Parliament to the counsel and solicitors who had duties to discharge at the Bar of the House on Appeals. For very nearly the same period of time that Sir John Lefevre has been Clerk of the Parliaments, I was constantly in the habit of practising in this House, and I must say that during the whole of that time, even if I had been a Member of your Lordships' House, I could not have received more courtesy and assistance than I received from Sir John Lefevre. On all occasions he was ready to give to every one—solicitors as well as members of the Bar—all the assistance that was in his power to give. From which I infer that all the officers and servants of your Lordships' House, from the highest to the lowest, would bear their testimony, with

one accord, to the universal courtesy and untiring assiduity with which he discharged his duties.

Resolution agreed to nemine dissente.

Ordered that the Lord Chancellor do communicate this resolution to the said Sir John George Shaw Lefevre, K.C.B.

Then, on the Motion of the Duke of Richmond, it was—

Ordered, *nemine dissente*, That an humble Address be presented to Her Majesty laying before Her Majesty a copy of the letter of the said Sir John George Shaw Lefevre, K.C.B., and likewise of the resolution of this House, and recommending the said Sir John George Shaw Lefevre, K.C.B., to Her Majesty's Royal Grace and Bounty.

Ordered that the said Address be presented to Her Majesty by the Lords with White Staves.

PATENTS FOR INVENTIONS BILL.

(*The Lord Chancellor.*)

(Nos. 15-36.) COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 5, inclusive, *agreed to*.

Clause 6 (Examiners of Patents).

THE LORD CHANCELLOR said, that certain verbal Amendments in this clause were necessary, in order to give effect to an alteration which he proposed to make in those provisions of the Bill which applied to the Examiners and the Referees. As the Bill stood, it was proposed that the Examiners who were to make reports for the Law Officers should not be more than four or less than two in number, and it was intended that each application for a patent should be examined by one Examiner and one or two Referees. This plan had been much considered in various quarters, and numerous representations on the subject had been made to him. As the result of the best consideration he could give the point, he would move Amendments in Clause 6 and other clauses, having for their object to effect this alteration—that there should be two, and not more than six Examiners; that the list of Referees should be made by the Commissioners of Patents without the necessity of the concurrence of the Board of Trade; and that the association of a Referee with an Examiner should not be obligatory, but permissive. It was in consequence of this last alteration that

it was thought advisable to provide that as many as six Examiners—instead of four, the number at present in the Bill—might be appointed.

Amendment *moved*, Clause 6, page 2, line 31, to leave out (“four”) and insert (“six”).

THE DUKE OF SOMERSET wished to make this inquiry of the noble and learned Lord—who would be responsible for giving a patent after this Bill passed? Would it be the Commissioners of Patents, or would it be the Law Officers? He apprehended that it was not usual to grant such a power to unpaid Commissioners; and as to the Law Officers, he believed they had too much other business to do, to attend to patents in such a way as would enable them to act as judges. He wished also to ask as to the progress of the register and index of existing patents? He believed that there was a great deal yet to be done, and he doubted whether the proposed staff would be adequate to overtake the work in arrear and to keep abreast with the new work.

THE LORD CHANCELLOR said, he concurred with the noble Duke, that there was a great deal to be done in the way of indexing and classifying existing patents, but a great deal in that way had already been done. He was led to believe that the arrears might be cleared up by the time the working part of the Bill would come into operation with the assistance of the Examiners, who could be appointed immediately on the passing of the Act. In reply to the noble Duke's question—“Who was to be responsible for giving a patent?” his reply was, that beyond doubt the Law Officers would be responsible, subject to an appeal to the Lord Chancellor or a Judge of the High Court designated for the hearing of such appeals. No doubt the Law Officers were very much engaged; but up to a recent period, when a fixed salary was settled on them in lieu of fees, those learned Gentlemen drew an income of £4,000 or £5,000 from patents. From experience he knew that the hearing of applications for and objections against patents was a very troublesome duty for the Law Officers; and the most troublesome point about it was that although they heard both sides, they had to hear one side in one room and the other side in another room. It was

Lord Selborne

proposed under this Bill that when any objection was made against the granting of a patent, the Law Officers should hear and dispose of it; and he did not think that was too much to expect of them.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 7, lines 3 and 4, to leave out ("with the concurrence of the Board of Trade").—(*The Lord Chancellor*.)

Clause, as amended, *agreed to*.

Clauses 8 and 9 *agreed to*, with Amendments.

Clause 10 (Reference to Examiner and Referee).

Amendment made, after "Commissioners shall refer the application to an Examiner," insert "and a referee, or, if in any case they think it expedient, two referees."

Clause 11 (Report of Examiner and Referee).

Amendment made, after "after the invention," leave out "is new, as far as they can judge thereof from an examination of," and insert "appears open to objection on the ground of want of novelty, as far as can be ascertained from."

New Clause to follow Clause 11 (Association of referee or referees with examiner).

"In any case, as prescribed, there may be associated with the examiner a referee or two referees.

"The referee or referees shall be nominated according to a fixed rotation, which shall not be made public, or in the other mode prescribed (if any).

"Every referee before acting with reference to an application shall make a declaration, as prescribed, to the effect that he has no interest therein.

"The referee or referees shall join with the examiner in considering the application, specification, and relative documents, and in reporting thereon."

Clause 12 (Reference to and Report by Law Officer).

Amendment made, after line 13, add as new paragraph—

"The Law Officer shall consider the same, and may, if he thinks fit, hear the applicant and any person having filed notice of opposition."

Clauses 13 to 15, inclusive, *agreed to*.

Clause 16 (Times for Sealing.)

Amendment made, after ("application") add—

("But it shall not be competent for the patentee to institute any action, suit, or proceeding in respect of an infringement committed before the publication by the commissioners of the application, specification, and relative documents.")

Clause 17 (Extent of Patent).

Amendment made, page 5, line 6, leave out ("the Channel Islands and the Isle of Man.")

Clause 18 (Power for Lord Chancellor to extend time in certain cases) *agreed to*.

Clause 19 (Conditions of patents for foreign inventions).

Amendment made, after line 3, add as new sub-paragraph—

"(3a.) The publication in the United Kingdom of the invention, by the circulation or republication therein of the foreign patent, or of any specification or document referred to therein or connected therewith, shall not affect the validity of the patent."

Clauses 20 to 47, inclusive, *agreed to*, with Amendments.

Clause 48. (Power for Commissioners to make general rules regulating details, business of office, &c.).

THE MARQUESS OF LANSDOWNE said, he proposed to ask their Lordships to omit from the clause these words—

"For establishing, subject to the approval of the Treasury, and opening to public inspection, a museum or collection of models of inventions, and other objects relating to patents and to inventions.

Reading these words by the light of the Reports of the Commissioners of Patents, he thought it was not difficult to see why this provision had been inserted in the Bill. During a considerable period those Commissioners had been clamorous, and with good reason, for better accommodation for themselves, their officials, and their library, and in the Report of 1873 they dwelt on the necessity of providing it. No doubt, it was the purpose of these words, that the increased accommodation should it be accorded, should be appropriated to the purposes of a Museum of Patents. Now, he could not but think that the Patent Commissioners were not the best body to whose care and management such a Museum should be intrusted, composed as the Commission was of 13 gentlemen, no fewer than eight of whom were judicial or legal officials, whose time was occupied with other matters. He objected to any such addition to the duties of the Commis-

sioners, upon the ground that the formation and custody of a collection of inventions had nothing to do with the real purpose of this Bill. It was not desirable to have in this country such a collection of patents as was to be found in the United States and other countries, where before an inventor could get a patent it was necessary for him to deposit a model. The result of the American system had been, he was informed, the accumulation of a mass of models, a great part of which were of a more or less rubbishy character. In this country our Patent Museum would be made up of models and specimens voluntarily contributed. From an inscription which was sufficiently prominent at South Kensington it must be pretty generally known to their Lordships that we already had what was called a Patent Museum in the metropolis. As the noble and learned Lord on the Woolsack lived in the neighbourhood, perhaps he occasionally visited the Patent Museum; and if that were so, he thought the noble and learned Lord could scarcely think the arrangement there afforded a favourable example of the management of such a museum. The first object that caught the eye was a glass case containing a collection of articles illustrating the manufacture of india-rubber, conspicuous amongst which was a pile of small india-rubber objects, over which was an inscription "*Omnium Gatherum Tobacco Pouches*." And "*omnium gatherum*" was a very proper description of the contents of the Museum. It was true that more important objects, such as the locomotive which had killed Mr. Huskisson, another known to its admirers as "Puffing Billy," and other venerable locomotives, occupied the centre of the Museum. Now, a collection of models of steam engines and locomotives was both interesting and instructive; but he thought the noble and learned Lord and his Colleagues scarcely desired to be the custodians of a collection so extraordinary and ill-assorted as that now in the Museum at South Kensington. But what he wished more seriously to point out was that the subject of such collections had recently been under the consideration of the Royal Commission on Scientific Instruction and the Advancement of Science, of which Commission he had the honour of being a Member, and that Commission,

after suggesting in their Report, the formation of a collection of physical and mechanical instruments "submit for consideration whether it may not be expedient that this Collection, the Collection of the Patent Museum, and that of the Scientific and Educational Department of the South Kensington Museum, should be united and placed under the authority of a Minister of State." He believed the step which the noble and learned Lord was about to take was opposed to the spirit of that recommendation, and he trusted the noble and learned Lord would consider whether means might not be arrived at for reconciling the provisions of this Bill with the recommendation of that Royal Commission. He begged to move the omission from the clause of the words quoted in the commencement of his observations.

THE LORD CHANCELLOR said, he should give the noble Marquess's proposition the most unqualified resistance. No communication had been made to him on the subject of an interference with the present management of the Patent Museum. As to the suggestion of the noble Marquess, it was already under a Minister of State—the Minister who held the Great Seal. Before the Committee of the House of Commons there was given a large body of evidence quite sufficient to justify the proposition contained in the Bill. It was quite true that the present Patent Museum was not well arranged; a state of things which had been complained of for many years. It was said that the present Museum was simply a warehouse. What the Royal Commissioners recommended was that as the existing collection of patents had cost the country a large sum of money, a portion of the building at South Kensington should be appropriated to their collection and arrangement; and a Committee of the House of Commons recommended that a portion of the large sum of money which remained in the hands of the Commissioners of the Exhibition of 1851—upwards of £170,000 he believed—should be appropriated to the same purpose. There were already proper officers to arrange the models, and if at any future time it was thought desirable, it might be placed under a State Department. As to what the noble Marquess had said about the collection of tobacco-pouches, facetious observations might be made

The Marquess of Lansdowne.

on the contents of every Museum, though he doubted that the term "rub-bishy" was applicable to the Patent Museum at Washington. The Committee of the House of Commons recommended that the Museum of Patents should be in connexion with the Patent Office, and in the absence of a more definite alternative scheme than that shadowed forth in the recommendation to which the noble Marquess had referred, he would ask their Lordships to reject the Amendment, and concur in the proposal made by the Bill.

THE MARQUESS OF LANSDOWNE would remind the noble and learned Lord that the Committee of the House of Commons sat in 1864, while the Royal Commission had held its sittings very recently. He was aware that the Patent Commissioners were not to blame for the disorder at South Kensington. But what he objected to was, that the Patent Museum should be under the Commissioners at all—he desired to see it and other collections and museums under the control of a State Department. He wished to ask who was to be responsible under the Bill for the selection of the men of science who were to form the Board of Management? As for what he had said of the American collection, he did not wish to be disrespectful towards the Museum at Washington; but when models of all the inventions for which patents were asked in the United States must be deposited, he thought some of the models must be very trumpery objects.

THE LORD CHANCELLOR quite agreed with the noble Marquess that some of the models must be of the character he described; but, as a whole, the Museum at Washington would not deserve such a character.

LORD SELBORNE said, that the difference between his noble Friend (the Marquess of Lansdowne) and his noble and learned Friend was scarcely any difference at all, and as the clause in its present shape did not pledge anyone against any step which Parliament might think fit to adopt hereafter with reference to the hands in which such Museums should be placed, he would recommend his noble Friend to withdraw his Amendment.

Amendment, by leave of the House, *withdrawn*.

Clause *agreed to*.

VOL. CCXXII. [THIRD SERIES.]

Clause 48 and the remaining Clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Friday* the 19th instant; and Bill to be *printed* as amended. (No. 36.)

INCREASE OF THE EPISCOPATE BILL.

(Nos. 8-35.)

(*The Lord Lyttelton.*)

Report of the Amendments.

On the Report of Amendments in this Bill,

LORD COTTESLOE gave Notice that on the third reading he would move to limit the operation of the Bill to the five cases which were considered most urgent.

LORD LYTTELTON said, he would ask their Lordships to reject the Amendment of which the noble Lord had just given Notice.

The Report was then *agreed to*.

OWNERS OF LANDS, &c., (ENGLAND AND IRELAND)—THE RETURNS.

QUESTION.

VISCOUNT HALIFAX asked the Lord President of the Council, When the Returns of the owners of Land in England and Wales, presented to the House on the 6th of August, 1874, would be delivered to Members of the House; also the Returns of owners of Land in Ireland?

THE DUKE OF RICHMOND said, that in the case of England the Returns would be completed with all possible despatch, and would, he hoped, soon be in the hands of Members. As to Ireland, he was unable to give his noble Friend any positive answer; but he should endeavour to get the necessary information without delay, and would communicate to his noble Friend the result.

House adjourned at a quarter past Six o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 11th March, 1875.

MINUTES.]—SUPPLY—considered in Committee—NAVY ESTIMATES.

WAYS AND MEANS—considered in Committee—Consolidated Fund (£2,139 7s. 7d.)— (£7,000,000)*.

PUBLIC BILLS — Ordered — First Reading — Public Health (Scotland) Provisional Order Confirmation (No. 1)* [92]; Public Health (Scotland) Provisional Order Confirmation (No. 2)* [93]; Foreign Loans Registration (No. 2)* [94].

Second Reading—Elementary Education Provisional Orders Confirmation (Caister, &c.)* [88]; Consolidated Fund (£880,522 1s. 4d.)*.

Committee—Report—Epping Forest (re-comm.)* [87].

Withdrawn—Foreign Loans Registration [60].

METROPOLIS—TOWER OF LONDON.
QUESTION.

MR. RITCHIE asked the Secretary to the Treasury, Whether he can say when the arrangements for the free opening of the Tower of London will be completed?

MR. W. H. SMITH, in reply, said, the new rules regulating the free opening of the Tower of London on Mondays and Saturdays would come into force on the 1st of April next.

ARMY—LONGFORD BARRACKS.
QUESTION.

MR. ERRINGTON asked the Secretary of State for War, Whether he can state how soon the long contemplated improvements in the married soldiers' quarters in the Cavalry Barracks at Longford are likely to be carried out?

MR. GATHORNE HARDY, in reply, said, that estimates for improvements to be made in the different barracks throughout the Kingdom were sent in to head quarters and were dealt with in order. The case of Longford Barracks would not for a year, in all probability, come on for consideration by the War Office, which was now proceeding with those cases which were most pressing.

SUPREME COURT OF JUDICATURE ACT, 1873—MR. WALPOLE'S NOTICE OF RESOLUTION.—QUESTION.

MR. OSBORNE MORGAN asked the right honourable and learned Member for the University of Cambridge, What course he intends, under existing circum-

stances, to pursue in regard to the Motion of which he has given Notice respecting the Supreme Court of Judicature Act, 1873, and the Appellate Jurisdiction of the House of Lords?

MR. SPENCER WALPOLE: Sir, my hon. and learned Friend will allow me to remind him that the Motion of which I gave Notice was, that I would on an early day call the attention of the House to the defective state of the Supreme Court of Judicature Act with reference to Appeals, and move a Resolution. It is obvious, I think, under the existing circumstances to which the hon. and learned Gentleman seems from his Question to refer, that the branch of the subject to which I more particularly wish to call the attention of the House will require a very careful and calm consideration. If I am right in that conclusion, as I think I am, the course I propose to pursue is not to attempt at present to push forward that Motion; but to reserve to myself the fullest power of bringing it forward at a future period, in case I should find it advisable to do so.

PASSENGERS ACT, 1865—SURGEONS IN PASSENGER SHIPS.—QUESTION.

CAPTAIN PIM asked the President of the Board of Trade, Whether it is true that both British subjects and foreigners have been and are still permitted to sign the Articles of British Ships as Surgeons, and to serve on such British Ships as Surgeons, who are not possessed of a diploma or other qualification required by Act of Parliament, and whose names do not appear on the Medical List published under authority; and, whether such persons are authorized to sign the usual and necessary professional certificates without their names having so appeared in such authorized Medical List?

SIR CHARLES ADDERLEY: Sir, some few foreign practitioners have been appointed to British passenger ships with diplomas of their own country, as provided for insuitable cases under the Passengers Act. Neither British nor foreign subjects have, to my knowledge, been appointed as medical officers of passenger ships not duly authorized under the requirements of the Passengers Act, 1865, which, however, are specially excepted from the Medical List Act. Either of these practitioners,

British or foreign, are, therefore, authorized to sign the usual and necessary professional certificates.

NAVY—RETIREMENT OF ADMIRALS—ORDER IN COUNCIL, 1870.—QUESTION.

Mr. ANDERSON asked the First Lord of the Admiralty, If it is under the so-called "temporary provision" of 1870 that the three Admirals of the Fleet are still on the "active" list, in seeming contravention of the general regulation that Admirals of seventy years of age must go on the "retired" list; if it is under the same "temporary provision" that the Senior Admiral also remains on the "active" list; and, if he will not now set aside the "temporary provision," and put those officers on the "retired" list?

Mr. HUNT, in reply, said, that in the temporary provision of the Order in Council of 22nd February, 1870, the following reserve was made in favour of the officers referred to in the Question:—

"Admirals of the Fleet and Admirals in command of ships, Captains, or Commanders, prior to the termination of the war in 1815, will be allowed to remain on the active list, such officers to be eligible for promotion to be Admirals of the Fleet."

It was quite true that Admirals of over 70 years of age could not be considered to be on the active list in the sense of being likely to be actively employed; but there was no doubt that standing at the head of the list under these circumstances was a very coveted distinction among naval officers. He considered that privilege had been secured to the four distinguished officers in question by the Order in Council, and that it would not be proper to deprive them of the position. But supposing that the retirement of these officers were brought about in the way suggested, the interests of other officers would be affected, and some of them affected injuriously. He was therefore not prepared to force those four gallant officers to retire.

NAVY—THE PACIFIC ISLANDS—ALLEGED CONFLICT WITH NATIVES. QUESTION.

Mr. ASHLEY asked the First Lord of the Admiralty, Whether it is true, as narrated in the "Times" of February 19, that there have been, between Her Majesty's schooner "Sandfly," and natives

of the Islands of Tapona, Santa Cruz, and Api, three affrays, in one of which thirty natives were killed; if so, whether he will state what number of men, if any, belonging to the "Sandfly" were killed or wounded, and whether there was an interpreter on board, or any means of communicating with the natives; and, whether he has directed any inquiries to be made of the officer in command as to the necessity for his burning native villages after the attacks on the schooner had been repelled?

Mr. HUNT, in reply, said, the account given in *The Times* of the occurrence set forth in the Question of the hon. and learned Gentleman was substantially correct. The information received at the Admiralty was to the following effect:—The schooner *Sandfly* was engaged in cruising in the New Hebrides group for the suppression of kidnapping and the regulation of the labour traffic. In August she visited Api for the purpose of discovering the perpetrators of an outrage on the British schooner *Zephyr*, in which some of the crew were murdered. Negotiations were opened with the Natives, the captain of an American trading vessel acting as interpreter; but the murderers were not captured. There was no actual encounter with the Natives, but some boats and huts were destroyed. The *Sandfly* visited Tapona in September, when the Natives evinced a friendly disposition; but they suddenly made an attempt on the schooner, which compelled the lieutenant in command to fire. Sixteen canoes and two villages were destroyed, and it was stated that only one Native was killed. In September the vessel visited Santa Cruz, and upon her arrival was immediately surrounded by 200 canoes, with a Native in each. A native acted as interpreter, and informed the islanders, in reply to their questions, that the schooner was a man-of-war. They disbelieved him, and commenced a fierce attack, which failed, and the commanding officer fired upon them and destroyed some villages and canoes. The number killed was not stated, but the Natives were said to have suffered severely. There were no casualties on board the *Sandfly*. He was not at all satisfied that the retaliatory measures taken were not too severe, and he had sent for a report on the subject from the Commodore in charge of the station.

NAVY—H.M. SHIPS—CORK MATTRESSES.—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether there have been complaints of want of buoyancy and stability in Her Majesty's ships; and, whether, considering the acknowledged efficiency of cork mattresses for the purpose of saving life at sea in cases of fire, wreck, or foundering, it is the intention of the Admiralty to introduce these mattresses generally in Her Majesty's Naval Service?

MR. HUNT, in reply, said, he was not aware of any complaints of the nature referred to; but if any had reached the hon. Member he should be happy to have them passed on to him. The question of the introduction of cork mattresses had recently been under consideration and experiments directed to be made. It was found that when cork mattresses had once become damp, either from the state of the atmosphere or otherwise, it was exceedingly difficult to dry them again; and, under those circumstances, they were not thought suitable for the naval service.

ARMY—AGE OF RECRUITS TO INDIA.—QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether, either by General Order, War Office Circular, Private Memorandum, or any other method, the age at which soldiers may go to India has been relaxed to one year after enlistment or nineteen years of age?

MR. GATHORNE HARDY: Sir, if the hon. and gallant Gentleman had looked into the Parliamentary Papers, he would have become acquainted with one which was presented in June, 1872, by Lord Cardwell—namely, the Report of the Committee who had been appointed to consider the age at which recruits should be sent to India. The Committee consisted of Major-General Edwards and other officers. Having considered the question, they recommended as follows:—

"It remains to consider with respect to the Medical Examination of these drafts, which, last season, was based first upon the actual age of 20, whether it might not be desirable to substitute a certain length of service, whereby the physical constitution of the recruits may become fully known, for a simple declaration of age

which is often deceptive. The Committee having ascertained that the declared age shown in the recruit's attestation can be no sufficient guide, as it is in the recruit's power to make that declaration according to his desire to proceed abroad, and that this declaration cannot be proved in most cases by baptismal certificate, nor can any experienced medical officer give any definite opinion as to the age between 18 and 22 years, recommend that till the new organization has come fully into play, the decision of the fitness for foreign service rest, not upon declared age, but the knowledge of the physical constitution of each man, acquired by not less than a period of 12 months' effective service, which can be fully ascertained by the commanding officer, and surgeon in medical charge of the regiment or depot."

Upon that recommendation a letter was issued from the Horse Guards, I think in 1872, containing the following regulations:—

"The men to compose these drafts are to be selected in the following order:—1, Men who have completed one year's service and have not been to India; 2, men of less service, but who will be 20 years old and have completed their drill by the above date; 3, men who have served in India and are fit to return, but no such men who have been sent home as invalids are to be again embarked before they have completed one year's service at home. The men to embark must be in every respect fit for service, and no man is to be included in these drafts who has less than 18 months to serve of the term for which he enlisted, unless (in the case of men in their first term) he is eligible and willing to re-engage."

These regulations have been acted upon since 1872.

MERCANTILE MARINE—ST. TUDWALL'S ROAD LIGHTHOUSE.

QUESTION.

MR. HOLLAND asked the President of the Board of Trade, When will the promised Lighthouse proposed to be erected at St. Tudwall's be commenced, several shipwrecks and disasters to shipping in Cardigan Bay having occurred this winter for want of it?

SIR CHARLES ADDERLEY: Sir, the Trinity House informs me that the plant is being prepared, and that they hope to commence the work this season.

MERCHANT SHIPPING ACTS—THE STEAMSHIP "THORNABY."

QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, If his attention has been called to the case of the steamship "Thornaby," lost with all hands,

twenty-nine, which sailed from Cardiff for Bombay on the 10th of December, she having a mean clear side of 2 feet 10½ inches only, though drawing 19 feet 10 inches forward and 21 feet 2 inches aft, and having on board 2,122 tons of coal and patent fuel, her net register tonnage being 957 tons; and, whether he is prepared to institute a prosecution against the owners on a charge of sending a ship to sea unseaworthy by reason of her excessive overloading?

SIR CHARLES ADDERLEY: Sir, I believe the ship *Thornaby* is lost, and probably with all hands. Before she left Cardiff she was reported by the Board of Trade surveyor as heavily laden; but owing to the length of her poop and forecastle he did not think it necessary to telegraph for immediate authority to stop her. He communicated by post, and it was then too late for the Board of Trade to take any steps further than to communicate the nature of the surveyor's report to the owners. We have now put the Papers in connection with the subject in the hands of the solicitor of the Department, and an inquiry is proceeding, and it will depend upon the issue of that inquiry whether there shall be material for a prosecution.

In reply to Mr. GOSCHEN,

MR. HUNT said, that Captain Fairfax's Report had been sent to the papers as being matter of public interest.

IRELAND—ROYAL IRISH CONSTABULARY.—QUESTION.

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to introduce a Bill during the present Session regulating, not merely for a period of twelve months but until further legislation, the Pay and Pensions of the Royal Irish Constabulary; and, at what time of the Session he intends introducing any measure on the subject?

SIR MICHAEL HICKS-BEACH, in reply, said, that the section of the Act of last Session regulating the pay of the Royal Irish Constabulary had been made temporary, in order to afford time to the Government to consider the question of the incidence of the expenditure upon that body. The question was under the consideration of the Government, and if he had any proposals to make with re-

gard to it which would necessitate a change in the law he would make them in proper time for full consideration by the House.

MASTER AND SERVANTS ACT—CASE OF LUKE HILLS.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether he has received a memorial from St. John's Common, Sussex, signed by 1,302 persons, calling his attention to the case of Luke Hills, an agricultural labourer sentenced by the Cuckfield magistrates to three months' imprisonment on a charge of breach of contract; and, whether, taking into consideration the peculiar circumstances of the case, and the fact that the man has already been imprisoned for about a month, he will recommend that the rest of his sentence should be remitted? There was some mistake in the Answer which the Secretary of State gave the other day on this subject. Therefore, he wished to know whether the right hon. Gentleman was aware that a communication from the Home Office was sent on Monday, the 8th, the day before he gave his answer to the memorialists, which stated that Mr. Secretary Cross had thoroughly examined the question and was unable to comply with the prayer thereof?

MR. ASSHETON CROSS: What I stated, Sir, was perfectly true—namely, that my attention had been called to this matter by the Question of my hon. Friend, and that when I asked for Papers they were placed in my hands that very morning. I was not aware that a letter had been sent. But the matter has been very carefully investigated, and I am not aware that there are any very peculiar circumstances in the case. The man was not an agricultural labourer, but a carter, and was brought up under the Master and Servants Act because, having been engaged for 12 months, and, although warned not to do so, he gave a fortnight's notice. His master proceeded against him, not for fine, but because his horses were left idle, and he had thus incurred damages to the extent of £10. The master asked for a fine of only £5. The magistrates, after very carefully considering the case, came, in my opinion, to a very proper decision—that the master had a perfect right to have damages awarded to the extent of £5, and 18s. 2d.

costs, not £3 18s. 2d., as stated in the memorial. It is quite true that, in default of payment, the man was sentenced to be imprisoned, with hard labour, for three calendar months. Having taken this into consideration and considering also that the Commission on the Labour Laws have come to an unanimous conclusion that matters of breach of contract should be treated simply as civil questions, and not as criminal questions, I will consider how far the remaining portion of the sentence may be remitted. The Report of the Commission is not in the hands of the magistrates; but I will consider whether the sentence shall be remitted in order that the man shall not be put at a disadvantage because he happened to be convicted just before this Report was made.

MR. P. A. TAYLOR gave Notice that on going into Committee of Supply on Friday, the 19th, he would call attention to the case of Luke Hills, and move that an humble Address be presented to Her Majesty, praying that She would be graciously pleased to grant him a free pardon.

MR. ASSHETON CROSS: The hon. Gentleman must have misunderstood me. What I stated was that it was under my consideration how much of the sentence ought to be remitted, and probably long before the hon. Gentleman will have an opportunity of bringing the matter before the House it will be entirely settled.

EMPLOYMENT OF YOUNG CHILDREN— CRIMINAL LAW—DANGEROUS EXHIBITIONS.—QUESTION.

MR. WILSON asked the Secretary of State for the Home Department, Whether his attention has been called to the employment of young children at public entertainments in a manner dangerous to their lives or otherwise; and if he will consider the advisability of making such regulations as will lessen the risk or prohibit these performances?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the subject. The invariable practice had been in the first instance to send a warning to the parties concerned that they would be held responsible for any damage that might occur. That warning had been almost always attended to. No complaints relating to this subject

had been brought under the notice of the Home Office of late; but if his hon. Friend would bring under his notice any case he would undertake that a proper warning should be sent to the parties.

MR. WILSON said, he understood that a child engaged in connection with a Chinese troupe at Stoke-upon-Trent had been injured.

NAVY—H.M.S. "VOLAGE."

QUESTION.

MR. GORST asked the First Lord of the Admiralty, Whether his attention has been called to the following Report of Captain Fairfax, as to the behaviour of Her Majesty's ship "Volage," under his command, on a voyage from the Cape to Kerguelen Island:—

"All the poop cabins were deeply flooded, and on several occasions the depth of water on the lee side of the quarter-deck was such as to cover the guns, and two men were carried off their legs, washed over the guns, and nearly over the netting. The freeing ports under the gun-ports relieved the ship very soon of the water; without them such an immense weight of water, accumulating each roll and rushing from side to side, would have been most serious. As neither I nor any officer in this ship had seen a vessel ship water in this way, perhaps you may think fit to draw their Lordships' attention to it;"

and, who was the designer of the "Volage," and how many other ships in Her Majesty's Navy, whether composite or iron-clad, are built upon the same scientific plan?

MR. HUNT: Sir, I have read the letter from Captain Fairfax to which my hon. Friend refers. The designer of the *Volage* was the late Chief Constructor of the Navy (Mr. E. J. Reed), whom I have the pleasure of seeing opposite. There is another ship in the service, the *Active*, which is similar to the *Volage*. I have to state, however, that my hon. Friend has not read out that part of the Report of Captain Fairfax in which he describes the seas in which the ship was in as exceptionally heavy. I have to inform my hon. Friend that this ship was built for great speed, and that ships built for speed cannot be expected to keep as dry as other ships. I believe that Captain Fairfax has never been in a ship of that kind before. I have special means of knowing something about the *Volage*, because the gallant officer who acts as my private Secretary (Captain M. C. Seymour) commanded her some time

Mr. Assheton Cross

back; and he reports to me that he considered her a perfectly safe and sound ship. The *Volage* served one commission in the detached squadron, and both captain and admiral reported extremely well of her.

MR. GOSCHEN asked in what Report the statement was made?

MR. HUNT said, Captain Fairfax had been engaged to conduct an observation of the Transit of Venus, and had furnished to the Admiralty an official Report of his proceedings in that service. The subject was of so much interest that it was deemed advisable to send copies of his Report to the newspapers.

PARLIAMENT—THE EASTER RECESS.
BUSINESS OF THE HOUSE.

OBSERVATIONS.

MR. DISRAELI: It may perhaps be convenient that I should refer to the probable state of Business before Easter, and a few days after Easter, so that the House may know as accurately as possible the situation. I hope the discussion on going into Committee upon the Artizans Dwellings Bill will be concluded to-night, and in that case the Bill will be proceeded with in Committee on Thursday next. The Friendly Societies Bill will be in Committee to-morrow, and the Regimental Exchanges Bill will be the first Order on Monday. I trust we shall pass it through Committee on that day; if not—but I will not anticipate such a result—we may have to ask the House to consent to an arrangement of another character. The Peace Preservation Bill will be the first Order on Monday, the 22nd, and we intend to proceed with it until the House adjourns, on Thursday, the 25th instant, until Monday, the 5th of April. On the latter day we propose to take Supply. On Thursday, the 8th of April, we shall propose the second reading of the Merchant Shipping Acts Amendment Bill, and we shall take it as the first Order of the Day. On Thursday, the 15th of April, my right hon. Friend the Chancellor of the Exchequer will make his Financial Statement.

THE MARQUESS OF HARTINGTON: It is most important that the measures which have been introduced by the Government should not be placed on the

Paper as second Orders. Last Monday the Regimental Exchanges Bill was put down as the second Order, and a great number of hon. Gentlemen were kept here at considerable inconvenience to themselves until a late hour in the expectation that the Bill would come on. This evening the first Order is the Navy Estimates, which usually give rise to a protracted discussion, while the Artizans Dwellings Bill is put down as the second Order. To-morrow I understand the same course is to be followed; and, after a discussion on going into Supply, the Friendly Societies Bill is to be discussed at a late hour of the evening. Confining my attention for the present to the Artizans Dwellings Bill, I would ask the right hon. Gentleman whether, looking at the fact that there are two very important Motions on the Question that the Speaker do leave the Chair, it would be convenient to attempt to enter into a discussion upon that Bill?

MR. DISRAELI: I quite agree with the noble Lord that it is very desirable that every measure of the Government should stand as the first Order of the Day; but that is impossible, especially with a Government which has many important measures. The noble Lord is, I think, completely mistaken in supposing that discussions on the Navy Estimates absorb the whole night, for I think, on the average, they are brought to a close about half-past 10 or 11 o'clock, and the noble Lord will hardly think that is too late to proceed with business of grave interest. I think that, on the whole, the noble Lord will find that the arrangements of the Government are most convenient for the House to adopt. I can truly say that the convenience of the House is always considered in making them consistent with the progress of Public Business, and, indeed, the progress of Public Business is a common cause. Of course, I shall be very glad, whenever I possibly can, to meet the views of the noble Lord by putting our measures as first Orders of the Day; but I believe that, in practice, it will be found very difficult in every case to make arrangements of that kind.

MR. W. E. FORSTER asked if the Friendly Societies Bill would be taken after 11 to-morrow?

MR. DISRAELI: No.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair.”

INCOME TAX—EXEMPTIONS.

RESOLUTION.

MR. SANDFORD rose to move—

“That, in the opinion of this House, incomes not exceeding £300 per annum should be exempted from the payment of Income Tax.”

The hon. Gentleman remarked that, considering the exemptions proposed by Mr. Pitt, Sir Robert Peel, the right hon. Member for Greenwich (Mr. Gladstone), and the right hon. Gentleman the Member for the University of London (Mr. Lowe), he did not think it was too much to ask the House to exempt incomes up to that amount. He believed the income tax was a proper tax if fairly levied, and if it were repealed the revenue would be mainly derived from the Customs and Excise duties. The burden would then fall almost exclusively on the shoulders of the working classes. If there were one class more than another interested in the maintenance of the income tax, it was the county Members. Now, if they endeavoured to shift the burden of local taxation and place it on the Imperial Exchequer, he believed such a system would not be tolerated for one moment. While the working classes at any period of national prosperity shared that prosperity by a rise in wages, people with fixed incomes suffered by the rise in prices. To repeal the income tax on incomes not exceeding £300 a-year would, he calculated, not cost more than £300,000 or £350,000 a-year, and he did not know how relief could be so largely afforded to a suffering class by any other similar remission of taxation. He did not appeal to this House on behalf of any wealthy classes or interests, but for a class upon whom direct taxation pressed most severely, and he hoped that he should not appeal in vain. The hon. Member concluded by moving his Resolution.

LORD ARTHUR RUSSELL seconded the Amendment.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, incomes not

exceeding £300 per annum should be exempted from the payment of Income Tax,”—(Mr. Sandford.)

—instead thereof.

MR. HERMON must oppose the Motion, fearing that it would put recipients of £300 a-year to much trouble and vexation in proving their exemption, and would be as bad as paying the tax. The chief objection to the income tax was its inquisitorial character. Apart from this objection it was a fair tax.

THE CHANCELLOR OF THE EXCHEQUER said, he did not object to the discussion of financial questions at whatever time seemed convenient to hon. Members; but it would be very inconvenient for the Chancellor of the Exchequer to enter prematurely into these discussions, raising as they did many important points connected with Imperial taxation. With respect to the principle involved in the Amendment of the hon. Member, it was a principle which had been admitted ever since we had an income tax—that was, that there should be some limit of income below which people should not have to pay the tax. The precise limit, however, raised a question of a very delicate and difficult character, and one which ought to be approached with sufficient preparation, and at a time when the attention of the House was directed to subjects of this kind. He thought that at the present moment the House was hardly prepared to enter into a full consideration of all the points which had been raised; and therefore he hoped his hon. Friend would feel that it was from no want of respect to him or appreciation of the importance of the question that he asked to be excused from entering now into any discussion of the question. To adopt such a Resolution as had been proposed was, in the first place, rather to anticipate and settle the question as to the permanence of the tax itself, a question to be discussed at the proper time; and, secondly, it raised a great number of questions which ought to be discussed when the whole finance of the country was before the House, and they could deal with the subject as a whole. He hoped, therefore, that the House would consent now to proceed with the business of the Navy Estimates, and that his hon. Friend would reserve any other discussion on this subject till the 15th of April, when practical proposals would

be submitted on the part of the Government, and that of his hon. Friend might be brought forward in opposition to or in competition with them.

MR. HANKEY said, that, according to the Chancellor of the Exchequer for the time being, Motions like that submitted by the hon. Member were never submitted at the right time. When brought forward before the Budget they were too soon, and after the Budget they were too late. Having acted for many years as an Income Tax Commissioner in the City of London, he did not agree with the hon. Gentleman (Mr. Hermon) that there would be much practical difficulty in proving the exemption. He trusted that the Chancellor of the Exchequer would, before making his Financial Statement, give the question his serious consideration, with a view to bringing about some relief from the tax. What he would himself propose would be to exempt everybody up to a certain point, which he thought would be a very equitable mode of dealing with the matter.

MR. WHITWELL said, the circumstances were very different when the limit of exemption was fixed, and therefore the minimum below which incomes were not charged ought to be raised. He trusted the Chancellor of the Exchequer would take this matter into serious consideration in making his financial proposals.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 213; Noes 77: Majority 136.

NAVY—OFFICERS OF THE ROYAL MARINES.—OBSERVATIONS.

MR. GORST rose to call the attention of the House to the present unsatisfactory position of the Officers of the Royal Marine Corps. The hon. Gentleman said, it was not now, by the Forms of the House, in his power to ask hon. Members to express an opinion on this important subject by a formal Resolution, but he trusted that he should be able to elicit the views of the House respecting it; and he did not anticipate any reluctance on the part of the Government to promise their attention to the matter. Before

he proceeded to the details of his case he would make a few general observations on the Marine service, in order to show that that service had disadvantages attached to it which were capable of being mitigated. At the present moment active routine service afloat was, unfortunately, not popular amongst the officers, and it was easy to see why that should be the case. Officers of Marines were placed under the command of officers belonging to an unsympathetic branch of the service. Their position and duties on board ship were not very clearly defined; they were, of necessity, under the command of the senior officer of the sea branch of the service, and they were often interfered with in a disagreeable manner. The effect was that active service, which was so much coveted in all other branches, whether of the Army or Navy, was not much sought after by the officers of the Marines. Of course, when they were afloat they discharged their duties to the best of their ability, and no complaints against them, so far as he knew, had ever been made. But though they served efficiently they did not like it. In their peculiar position, being neither of the Army nor of the Navy, Marine officers were deprived of those opportunities of distinction which formed the attraction of the services—they had no power to win those honours which were the object and the admiration of both Army and Navy. Besides this, they had no collateral advantages—no employment on Commissions or Scientific Committees, or in any of the lucrative civil posts which fell to the lot of the officers of the Artillery and the Engineers. It seemed to him that the officers of the Marines had all the disadvantages which appertained to service in the Army and Navy and none of the advantages. He did not say that it was possible, from the nature of the service, for any arrangement to be made by which all their grievances could be remedied; but he was anxious to draw attention to those which were capable of being mitigated, if not done away with altogether. It was generally supposed that the Royal Marines had good pay, regular duty, and better retirement allowances than other branches of the service; but he would ask the House to consider how far the present system secured the promotion and retirement which were the sole inducement for its officers to enter

the service? If they looked at the actual position of the officers of the Royal Marines they would find that the subalterns had scarcely any chance of promotion or advancement. In 1860 there was an increase of 104 in the officers of Marines and in 1870 a scheme was settled for their promotion and retirement which greatly affected the position of all the officers in the service. That scheme was accompanied by a great reduction of officers. The number of men remained unaltered—it was 14,000 in 1869, and it was 14,000 still; but the number of officers in the Light Infantry in 1869 was reduced by 61, and in 1870 by 33, making altogether 94; which, out of a total of 287, it must be admitted was a very considerable reduction. He found on inquiry that the senior lieutenants in the Marine Light Infantry had all been in the service more than 15 years, and since 1870 only 16 lieutenants had been promoted to the rank of captain, and in the present year only one. In the next five years there would be only a promotion of 18 lieutenants, and if they carried their view to the end of the five years the senior would have been 20 years in the service without attaining a single step in promotion, he would be 40 years of age, and he would be receiving the munificent pay of 7*s.* 6*d.* a-day. He would ask the House whether it was reasonable, when men served for 20 years in a profession without making a single step in promotion, and received no more than 7*s.* 6*d.* a-day, to expect them to be much attached to their profession, or to serve with much zeal and activity? The lowest pay of officers of corresponding rank in the Navy was 10*s.* a-day, and the highest pay of the Marine Lieutenant was 7*s.* 6*d.*, a fact which of itself placed the latter in an entirely inferior position. But those who obtained captaincies did not find that they had much bettered themselves. The present senior captain had been 29 years in the service, and the 25 senior captains had all served more than 24 years. Since 1870 only eight captains had been promoted to the rank of lieutenant-colonel, and there would be no more promotions until September, 1876; so that for a year and a-half there would literally be no promotions, and in the whole of the next five years only 11. At the end of that time the senior captain would have served 31 years, and

the senior lieutenant 20 years. It was evident, then, that promotion in the Marines was decidedly slow. Under these circumstances, it was not surprising that the captains should take means, if possible, to accelerate their promotion; and the other night the hon. Member for Glasgow (Mr. Anderson) pounced on two unfortunate captains of Marines, who were charged with purchasing, or trying to purchase, the retirement of one of their seniors. The zeal of that hon. Member in the public interest no doubt entitled him to admiration, and the First Lord of the Admiralty very properly said he would take steps to put a stop to the practice supposed to exist. It would have been better, however, to have shown equal zeal in order to put a stop to the present stagnation of promotion, which was the cause of the misconduct—if it could be so regarded—of these two captains. A few captains did get promoted to lieutenant-colonelcies, but they did not find that a state of advantage and unmixed satisfaction under the present regulations. The great prize of the service was the position of colonel-commandant, which a senior captain of not less than 30 years service might hope to obtain. The pay, however, was only £1 a-day, and by some evident mistake the colonel-commandant of Marine Light Infantry got 6*s.* 3*d.* a-day less than the colonel-commandant of Marine Artillery. This he supposed to be a mistake made in drafting the orders, because there was no such difference in other ranks. Thus the difference between the pay of a lieutenant of Marines and a lieutenant of Light Infantry was only 4*d.* per day, in the next rank it was 6*d.*, then 1*s.* 6*d.*, and then came this extraordinary difference of 6*s.* 3*d.* Then in the matter of retirement they were placed also at a disadvantage. While the age at which admirals and rear-admirals had that privilege was fixed at 60 and 65, in the Marines the age for general officers was fixed at 70. The quartermasters, who were the only commissioned officers who rose from the ranks were subjected to a similar injustice. Since the year 1857, whilst 20,000 Marines passed through the ranks only five had obtained commissions, and two of these had been waiting no less than 18 years. Thus the attraction held out in all other branches of the service was practically denied to the Marines. He thought he had given figures enough to

Mr. Gorst

show that there was a great stagnation of promotion among the officers of the Royal Marines. It was not exactly his duty to point out how this block might be remedied. That was a question for the consideration of the Government. But the custom existing in the Navy showed very clearly and very simply the remedy that might be supplied. All that was wanted was, to make the senior officers of Marines retire at the same age as the corresponding officers of the Navy; to do away with the position and rank of reserve colonel altogether, and to give to the captains, as we gave to the lieutenants in the Navy, a bonus of £75 a-year, adding to it a regulation that the total retiring allowance should not exceed a certain sum. That would immediately clear the lists, and create a healthy and steady flow of promotion. He would also give a retirement sum to the quartermasters as well as to the other officers. These simple measures would, in his opinion, remove the discontent and despair existing among the subalterns and captains, and quicken their zeal and their devotion to the service. Very probably, although the Government would admit the correctness of his statements and the aptness of his remedy, they would put in a claim for delay. Well, all he could say in that case was that delay was dangerous. Many of the officers who were now suffering injustice would soon have to retire, and no justice could then be done to them. But apart altogether from that, delay would increase the prevailing discontent, and cause it to pervade the whole corps, so that when the remedy came to be applied that discontent would not easily be removed. When, as in the present case, they had a large body of men suffering under a real grievance, it was desirable to relieve that grievance as soon as possible. But he might be told that there was a Commission sitting just now on the question of Army Promotion, and that it would be undesirable to deal with the question of promotion in the Marines until that Commission had presented its Report. In reply to that he would urge that the Commission had nothing to do with the Marines, nor had the Commissioners any jurisdiction in respect to promotion in the Marines. The case of the Marines was so entirely different from that of the rest of the Army, and promotion in the

Marines was so different from promotion in the Army generally, that no prejudice to anyone could arise from dealing with the case of the Marines, quite irrespective of what the Report of the Commission might be. He had some figures which would at once make his case clear, and illustrate the difference in the rate of promotion between the Army and the Marines. The average service of captains and majors in the Cavalry was 17 years; in the Infantry 19 years; while of captains in the Marines it was 22 years, an average which would now be enormously increased. The average service of lieutenants in the Cavalry was five years; in the Infantry eight years; whilst in the Marines it was 10 years; and from the causes mentioned they would now serve longer in the Marines. The promotion in this corps was the slowest in the Army. Then, again, during the last five years one officer in 33 had been promoted to the rank of lieutenant-colonel in the Artillery and Engineers, as contrasted with one officer in 75 in the Marines. The captains, moreover, came out quite as bad, for in the Artillery and Engineers the promotion of lieutenants and captains was 1 in 20 as contrasted with 1 in 45 in the Marines. These figures proved that promotion in the Marines was twice as slow as in the Artillery and Engineers. It was altogether unreasonable to say that promotion in the Marines should not be accelerated for fear it should make it faster than it was in the Army. Delay might be urged upon another ground—namely, that reform would cause a slight increase of annual expenditure by the Treasury; but that surely was no valid reason to urge against the improvement of the service. Everybody must admit the truth of the facts he had submitted. Everybody, moreover, must recognize the importance of putting the important branch of the service to which he was alluding in a proper state of efficiency. Officers who had joined the Marines ought not to be left to despair of promotion, or to have the feeling confirmed in them that their branch of the service was not sufficiently recognised by the country. Both sides of the House must desire that these men should have a fair position secured to them. He would therefore leave the matter in the hands of the Government, trusting that they would take it into their considera-

tion on the ground that the present condition of things was unsatisfactory, and therefore adverse to the efficiency of the public service.

MR. ANDERSON said, the hon. Member for Chatham (Mr. Gorst) had passed some strictures upon a question which he had put to the House a few days ago; but the hon. Gentleman apparently did not know the grievance of which he complained. The circumstances were that there was a captain who was to be put on compulsory retirement on account of reaching the age of 48; but he having found a lieutenant-colonel who agreed to retire before his time, the captain got a step and a lease of six years' longer service. The effect of that moneyed transaction on the junior officers was that, whereas they would have got one step in a month and a second in about a year, yet as now arranged they got one step now, but they would not get their second step for six years, and therefore they were defrauded of that promotion which they had every reason to expect. He admitted it was a little hard that a captain should be obliged to retire at 48, as a man had still a good deal of fight left in him at that age; but he was very doubtful whether the hon. Member for Chatham would be successful in obtaining any improvement in the position of the Marine officers from the present Government, as they had that day given himself a reply about the Navy which was not encouraging.

GENERAL SIR GEORGE BALFOUR said, he thought that the right hon. Gentleman the First Lord of the Admiralty might, with great propriety, take into his consideration the best mode of improving the position of the officers of our Marine corps. There was no corps in the service where the pecuniary advantages of officers was so small, and where the promotion was so much retarded. He was convinced that if the Government would endeavour to effect a flow of promotion it would not be necessary to interfere with the previous arrangements which the right hon. Gentleman the Member for Pontefract had made. He could testify to this fact, that there was no branch of the military service with so few officers above the rank of captain as in the Marines, and there was no branch of the service which could supply so many privates or gunners

at so moderate a rate per head as the marines now furnished. This was entirely owing to the far greater proportion of captains and subalterns to senior officers than existed in any other branch of the service. It was also mainly due to the few head-quarters of corps, and to the diminished number of companies which to the other branches of the service so greatly increased the charges. It would be easy to show this by merely comparing the number of battalions and companies into which the privates of the Marines would be distributed if they were organized in the expensive form followed by the infantry of the Line. He would therefore urge that it was wise to maintain the existing great disproportion of senior officers, but to counter-balance the evils which must follow in having slow promotion for the rank of captain, it was only just that openings for retiring old officers should be provided to a greater extent than at present, in view to guard the Marine service from those evils which must attach to captains and subalterns of long service and advanced age.

SIR EARDLEY WILMOT cordially joined in the appeal to the Government to take the just grievances of a gallant body of men into their consideration. During the last year and a-half he had had frequent opportunities of coming into contact with officers of the Marines, and he was firmly convinced that their complaints were not without foundation. They had the authority of a distinguished officer for saying that the exertions of the Marines at the Gold Coast laid the foundation of the victories which ensued afterwards.

MR. CHILDERS believed there was no more gallant body of men either in the Army or the Navy than the Marines, and none whose well-being ought to be more attended to by the Government. There was, moreover, nothing that he would see with greater regret than any weakening of the efficiency of that most valuable corps. But as to what the hon. Member for Chatham had said with reference to the disinclination of these officers for sea service, he must give it the most absolute contradiction. It was the primary duty of the Marines to serve afloat, and when in office he had never found that there was any reluctance on the part of parents to place their sons in that corps, or any indisposition on the part of young

Mr. Gorst

officers to remain in it. The Marines, however, were not, as the hon. Member for Chatham (Mr. Gorst) appeared to think, merely a branch of the Navy. They stood between the Navy and the Army; their organization was military, while their services were chiefly naval, and in making arrangements for promotion in, and retirement from, a corps of that kind they had to consider what relation those arrangements bore to the corresponding arrangements, not only for the Navy, but also for the Army. He was Chairman of a Committee of that House, which in 1867 entered very minutely into that very case of the Marines which the hon. Member now brought forward. That Committee had to inquire into promotion and retirement in connection with the Artillery and Engineers, as well as with the Marines. But anyone dealing with the question would be met at once with this difficulty—that in the Army the officers were on their regular active service up to the rank of colonel or general; whereas in the Marines it hardly ever happened, except in the case of great expeditions, that officers of higher rank than subalterns and captains went to sea at all, field officers being only employed in garrison towns at home, and hence arose the main difficulty of the case. In 1867, when the Committee made their inquiry, there was no certain rule for retirement from the Marines except that officers commanding divisions of that corps had to retire at the age of 60 unless the Admiralty thought it desirable to retain them. The system then existing was, as the Committee reported, “complicated, uncertain, and based on no principle”; and they recommended that there should be a code of regulations under which officers of different ranks should be compelled to retire after certain ages, their pensions being on a graduated scale, much exceeding the former rate. When he afterwards went to the Admiralty he had to carry that out in the best way he could. The hon. Member for Chatham seemed to think that a great reduction was made by him in the number of officers when these rules were promulgated. Technically the hon. Gentleman was right; but that reduction had nothing to do with the new rules, except that it took place within a year of their coming into force. It was the result of the re-

ductions made in the number of men in 1867 and 1868 by his predecessor; and all that he did in 1869 was to bring down the number of officers in the Marines to the proper proportion with the number of men. He found a draught Order in Council on his table when he went to the Admiralty, and he carried it out in 1869. But it must not be forgotten that the arrangements of 1870 were a very great improvement on those previously in force, which provided no compulsory retirement except for officers commanding divisions above 60 years of age, unless the Admiralty thought proper to retain their services. If the former system, or no system had been now in force, there would have been the most gloomy outlook for the officers, whose promotion would have appeared hopeless. The complaint now was rather that the compulsory retirement was enforced at a too early age than that promotion was at too late a period of service. When, therefore, the hon. Member for Chatham spoke of the present age being high, and the present years of service being long, he was bound to say that, looking at the state of the Marines in past times, if it had not been for the Rules of 1870 the stagnation in the corps would have been two or three times as great as it was now. The principles laid down in that Order in Council and by the Committee of 1867 were the only principles on which any self-acting system of retirement could be carried out. They were principles which they hoped to see applied to the Army, which had been applied to the Navy, and which, after a few years’ working, would have a satisfactory effect. What he would suggest was that anything which was done to improve the conditions of retirement from the Marine Corps should be done at the same time, and, to a certain extent, though not wholly, on the same lines as any improvement with regard to the Army. There was a Commission now sitting to inquire into the subject of Rules for retirement in the Army, and his impression was strong that those Rules would be of a liberal character and would provide for a considerable amount of compulsory retirement. He thought that, with the Report of this Commission before them, and keeping in view the principles of the Orders in Council of

1870, as recommended by the Select Committee, the Board of Admiralty would have no difficulty in dealing with the comparatively moderate grievances complained of by the senior officers, especially the senior captains, of Marines.

SIR JOHN HAY said, his hon. Friend the Member for Chatham (Mr. Gorst) had omitted to allude to one point of some importance. He (Sir John Hay) was a Member of the Committee referred to by the right hon. Member for Pontefract (Mr. Childers), and had the Report of that Committee been carried out, the subject would have been in a very different state from what it was now in. It was quite evident that if the rank of major had been given to the Marines, as it had been restored to the Artillery and Engineers, the officers in question would be placed in a position more like that which they ought to have at the age they had attained, and which would hold out to them some chance of promotion. This would be only a temporary remedy, he knew. Allusion had been made as to the difficulty of employing Marines as field officers, but it had been found perfectly practicable and useful to give them employment.

NAVY—THE "BRITANNIA"—CADET TRAINING SHIP.—OBSERVATIONS.

MR. BASS drew the attention of the First Lord of the Admiralty to a report, published in *The United Service Gazette*, of five naval cadets having been flogged on board the *Britannia* training-ship. Flogging had been abolished in the Army, but it still flourished in the Navy. In the last week in October, five cadets were flogged for fagging, and, setting aside all other considerations, it was a question whether it was legal on the part of the Admiralty to take the course which they had adopted. In 1867 this question was brought before the House of Commons, when the late Mr. Corry was First Lord of the Admiralty, and after some discussion, Mr. Corry stated that the Admiralty had come to this conclusion—that the punishment of flogging on board the *Britannia* should be now discontinued, and an Order to that effect was issued on the 8th of June, 1867. He (Mr. Bass) was decidedly against the flogging of young

Mr. Childers

men who in a short time would be themselves in command. Flogging would never contribute to the improvement of the discipline of the Navy. It had been abolished in the Army—why should it be continued in the Navy? Those young men who had been thus publicly flogged would feel the degradation as long as they lived. He hoped they would hear from the right hon. Gentleman the First Lord, either that these punishments should not be repeated, or the grounds upon which it was considered expedient to break the decision of 1867, to which he had adverted, and to renew that which was disapproved of by the parents of the cadets and by the majority of the country.

NAVY—WARRANT OFFICERS. OBSERVATIONS.

CAPTAIN G. E. PRICE rose to call the attention of the House to the present unsatisfactory position of the Warrant Officers of the Navy. The hon. and gallant Gentleman said, those officers performed duties that were both onerous and responsible. In years gone by they used to rank next to the captain of the ship, and at present, they took sole charge of the ship during the watch. The Commission on the Manning of the Navy, appointed in 1859, had spoken of them in eulogistic terms. The warrant officers had been described on very high authority as being the backbone of the Navy, and it was, therefore, very desirable that their position should be made satisfactory to them. The subject was really more important than it appeared on the surface, because it was related to the larger question of manning the Navy. By improving the position of the warrant officers, a considerable check would be placed upon the desertion of our seamen to another English-speaking nation. It was well-known that great difficulty was at present experienced in getting the best men to become warrant officers, the principal reason being because there was not sufficient inducement held out to them. What they required was increased pay. At present on being appointed they received 5s. 6d. per diem, and during the whole of their service did not receive any addition to it; and what they asked for was 6s. a day to begin with, with a rise of 1s. a day at the end of every five years' service

up to the 18th year, when they would retire with the rank of chief gunner or chief boatswain. There were several reasons why, independently of the good effect it was likely to have upon the Navy, these requests should be complied with. In the first place, when on shore they were no longer employed on harbour duty, which they regarded as a kind of pension. It should be remembered, too, that since the present scale of pay of the warrant officers was fixed the price of the necessaries of life had risen some 45 per cent, and that the petty officers who in our Navy received £40 a-year, received £62 in the American Navy. Their position, too, relatively to the other officers was not a comfortable one. The commissioned officers could not associate with them, and they could not associate with the petty officers, so that the three officers on board a ship-of-war were limited to their own society. On some ships there were only two, and should any disagreement arise between them, each would be in an isolated position; and he knew that good seamen refused to go in for their warrant because of this seclusion. He complained that the Royal Warrant of 1853, which provided for the promotion of warrant officers to the rank of lieutenant, with a donation of £100 for outfit, had never been carried out. He would like to see that warrant acted upon once or twice a-year, and would recommend that the officers so promoted should be put in command of gunboats, or have appointments in the coast service. There would be more than a mere "bubble" in the reputation to be gained by such promotion, as it would render the sons of the warrant officers so advanced eligible for positions to which they could not otherwise aspire. He might mention that as between the present year and the year 1870 there was a reduction in the number of warrant officers from 1,063 to 860, and a saving under the head of £10,000 in the Estimates of this year; while the number of seamen in the Navy had been increased by over 1,000. The men desired to retire from the service at the age of 45, but he, himself, thought they ought to serve until 50. He was sure Her Majesty's Government felt the importance of the subject, and regarded it as one which merited their consideration.

MR. BRUCE concurred in the views expressed by his hon. and gallant Friend, and observed that the expenses of the warrant officers were now considerably greater now than they formerly were. It ought not to be forgotten that the warrant officers were the backbone of the Navy. Upon their efficiency and trustworthiness the discipline of the ships, under the control of their superior officers, rested; and it was, therefore, of the utmost importance to secure the services of a trustworthy, intelligent, and steady class of men. The inducements now held out for that purpose were not, in his opinion, sufficient. If the Navy was called into active service, the ranks of the warrant officers must be filled up by men who would require great care and exertion on the part of those placed over them to bring them rapidly into a state of efficiency. It was of much importance that the position should be made sufficiently attractive to induce the best men to look forward to attaining it. He trusted that the Admiralty would feel justified in taking the case of these warrant officers into their favourable consideration, and he felt certain that in so doing they would receive the support of the House.

NAVY—SWIMMING—OBSERVATIONS.

SIR WILLIAM FRASER said, that, having been for 15 years a member of the Committee of the Royal Humane Society, it had come to his knowledge that by far the greater number of seamen in Her Majesty's Navy were unable to swim. He had received a letter from a gentleman on board one of our largest line-of-battle ships, who said that when she came into the harbour at Gibraltar, it was found that, while all the officers could swim, not more than a third of the sailors could swim, and they were obliged to bathe in a sail. Such a state of things could not occur in a public school, or even in a private school. Some most valuable lives were sacrificed in the attempt to save the seamen who could not swim. It seemed to be a point of honour on the part of the officers or men who could swim, that if a sailor fell into the water, they were to jump over and attempt to save him. He had consulted with a great many Naval officers, who all agreed that there was no reason why the men should not be

compelled to learn to swim. In all the preparatory Naval schools swimming was taught. The life of a seaman in the Royal Navy was the property of the State; and it was not the lives of the men who could not swim that were alone in question, but the lives which were sometimes sacrificed in futile attempts to save them. He thought it high time that something should be done in this matter with regard to the Navy.

Mr. HUNT said, he would refer to the different topics which had been brought before the House as briefly as possible, because he would, when the House went into Committee, have to speak at some length. The question of swimming was a very important one. He could not say what proportion of seamen in the Royal Navy were able to swim; but he could assure his hon. Friend (Sir William Fraser) that in the different training ships, swimming was taught systematically, and that in all ships on foreign stations, when the weather and climate permitted, every facility was given to the men to learn swimming. Just as, however, you might take a horse to water, but could not make him drink, so you might take men to bathe but could not make them swim. The seamen certainly showed in too many cases a great inaptitude, although he agreed that they ought to be encouraged to learn to swim as much as possible. With regard to the question put by the hon. Member for Derby (Mr. Bass) he (Mr. Hunt) entirely differed from the view taken by the hon. Gentleman. The hon. Gentleman thought it a degrading thing that young men should be flogged with the birch. Five of these youths, between 13 and 14 years of age, were thus flogged in the *Britannia* last October. If flogging was degrading, many of them who had been to public schools had been degraded in the same way, but they had survived the disgrace—if disgrace it were—and had become all the better for it. The hon. Member said that the Admiralty had taken away from the captain the power of inflicting corporal punishment; but they had specially ordered these young men to be flogged. They had thoroughly deserved it for insubordinate conduct. Flogging had been persisted in, notwithstanding that minor punishments had been inflicted; and a solemn warning was then sent down from the Admiralty as to the

consequences that would follow if the practice were persisted in. In the teeth of this warning, evidently by concerted action, the offence was repeated, and at last it became a question whether the Admiralty or the cadets were to govern the ship. It was absolutely necessary that some strong measure should be taken, and the boys must either be dismissed or flogged. The hon. Member said the parents of the boys would have preferred that they should be dismissed; but he (Mr. Hunt) knew the contrary to be the case. One parent wrote that he preferred that his son should be flogged, rather than dismissed. He heard that the punishment had had a satisfactory effect upon the discipline of the ship, and that the ordinary minor punishments had since diminished in number. He had been asked to assure the House that the punishment should not occur again. All he could say was, that he hoped there would be no occasion for it; but if the offence were repeated, it would be the duty of the Admiralty to repeat the punishment. It was his duty to maintain the discipline of the ship, and in dealing with young gentlemen of that age, the right course had, he thought, been adopted under the circumstances. He now came to two matters of a different character—the question of the Marine officers, so ably brought before the House by his hon. Friend the Member for Chatham (Mr. Gorst), and the warrant officers, whose case had been stated by his hon. and gallant Friend behind him (Captain Price). The right hon. Gentleman the Member for Pontefract (Mr. Childers), who was Chairman of the Committee on [the Promotion and Retirement of the Marines and other corps, advised him not to deal with this subject until the Royal Commission now sitting on Army Promotion and Retirement had reported; and in doing so, he gave the reason why this matter had not been dealt with by the Admiralty. The grievance of the officers of the Royal Marines was very well known. It was one of the most painful parts of his duty to witness the stagnation of promotion, and it did not need the able advocacy of his hon. Friend the Member for Chatham to make him (Mr. Hunt) fully alive to the evils from which they were suffering. Anxious as he had been to do justice in the matter, he found that under the state of things existing with regard to promo-

Sir William Fraser

tion, and retirement in the Army it would be perfectly impossible to deal with the question of Marine officers until the principles upon which the Army was to be treated were settled. He hoped his hon. Friend would see that it was from no unwillingness on his part, but simply owing to the position of affairs, that he had not been able to settle it at present. With respect to the case of the warrant officers, which had been introduced by his hon. and gallant Friend (Captain Price), it must come before the House before long. Their case was deserving of consideration, and he hoped before long to be able to hold out some prospect of improvement. The present was not a very favourable time for proposing an increase in the Estimates. The circumstances of the year were so peculiar, as the House would shortly be informed, that it was a remarkably unfavourable time for putting these claims before Parliament. He trusted that this difficulty would be only temporary, and that he should be enabled at no distant period to place before the House a satisfactory proposal in regard to the claims of the warrant officers.

Mr. SHAW LEFEVRE said, that when Mr. Corry informed the House that the punishment of flogging on board the *Britannia* was to be discontinued, nothing was said as to the power of the Admiralty to interpose on special occasions. For his own part, he objected more to the manner in which the punishment was inflicted than to the punishment itself. This particular punishment for such small boys was not altogether undesirable; but, in the present case, it was inflicted by the ship's corporal in the presence of all the other boys and of the officers. Now, when flogging was inflicted in public schools, it was not administered before the other boys. [Mr. HUNT: It was in my time.] He believed that in the early part of his own career it used to be public; but the public flogging was discontinued while he was at school. It destroyed the self-respect of the boy who was flogged, and the flogging on board the *Britannia* should have been in private, as in our public schools.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—NAVY ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) 60,000 Men and Boys, including 14,000 Royal Marines.

Mr. HUNT said, it was customary in moving the first Vote for the Minister occupying the position he had the honour to fill to enter upon a general review of the Estimates and the naval policy of the year. On the present occasion, before entering upon any question of figures, it might be interesting to the Committee that he should glance at a few questions affecting naval services during the past year, together with changes that had been made and others that were in contemplation.

The first matter he would bring under the notice of the Committee was a very gratifying movement which had emanated spontaneously from the crews of several ships in commission, and which, while unexpected by the Government, would probably be surprising to the Committee. It was a proposal made by the crews of a considerable number of ships, and also by the Marines, to establish a fund, by means of stoppages from their own pay, for the benefit of their widows and children. It was well known that British seamen and Marines possessed many noble qualities; but they had always had the character of being a thrifless sort of men, and it was exceedingly gratifying to find that habits of forethought and providence had taken root in their minds, and that they had come forward to make this proposition. They had applied to the Admiralty for assistance in carrying out their wishes in the matter, and he need scarcely say that the Admiralty had, with the utmost alacrity, done their best to fall in with their views. It was impossible, however, for the authorities to decide as to the best course to be adopted without knowing how much the men were willing to contribute. He had, therefore, caused a Circular to be issued to the Fleet on the subject. The whole of the replies had not yet been received; but when they had all come to hand, they would doubtless furnish the material for actuarial calculations as to the kind of provision it would be possible to make. It was hoped that if sufficient funds could be contributed the wishes of the men could be carried out with the as-

stance, in a business point of view, of the Patriotic Fund Commissioners.

The next subject upon which he wished to touch was the patronage promotions. It had been decided within the last few months that hauling down promotions and promotions on death vacancies should cease. Where the numbers in each rank were limited as at present it was impossible that this system of promotion could continue without prejudice to the service. Supposing the choice of officers for flag-lieutenants was exercised in favour of the young men most distinguished by their talents, it would be an advantage to the Service that they should gain rapid promotion and so get into the upper ranks in an active period of life; but there was no security that the choice would be regulated upon this principle instead of upon motives of friendship and ties of kinship. In consideration of this fact and of the very limited promotion at the disposal of the Admiralty, it was thought right that this kind of patronage should be abolished.

One of the most important questions that had come before him since he went to the Admiralty had been the primary education of naval officers in the duties of their profession while they were in the cadet stage. He appointed a Committee to inquire into the question of the training given on board the *Britannia*, opinions having got abroad that the conditions of life on ship-board were not those best suited to boys of the age of naval cadets. The Committee which he appointed consisted of naval officers, medical men, and distinguished University men, and they reported unanimously as follows:—

"As the result of the most careful consideration of this important question, we are led to the opinion that it would be desirable to substitute for the two years' course on board the *Britannia* a three years' course at a College on shore, broken by two summer cruises in sea-going training-ships. One reason for this proposal is the doubt whether it is possible in two years, without undue mental strain, to pass the cadets through a course of training adequate to their future position as officers and as gentlemen. Another and broader reason is that we are convinced that a man-of-war, to whatever excellence she may be brought as a place of residence, is not and cannot be made a desirable place of education. The necessary presence of naval discipline is, in our opinion, antagonistic to the work of the schoolmaster."

He was led very much to the same conclusion by a visit which he paid to the

Britannia. What with the discipline enforced on board, and the time taken up with studies, it seemed to him that, with the exception of the time allowed for them to go ashore, the boys were kept on the stretch from the time they got up until the time they went to bed, and that they had none of that relaxation between the hours of labour that was essential. He had therefore to inform hon. Members that the Government had determined upon carrying into effect the recommendations of the Committee in this respect. The right hon. Gentleman who preceded him at the Admiralty (Mr. Goschen) had under his consideration the advisability of establishing a College such as was now contemplated, and he went so far as to institute inquiries as to the best site for the purpose. The proposal of the present Government would come before the Committee in the form of a small Vote for a site. There were many recommendations in favour of Dartmouth. It was a healthy place, the harbour was well closed in, and it had other advantages for the training of young men for service. A proprietor in the immediate neighbourhood, or the trustees of a proprietor, had offered as much land as they wanted at a very moderate figure.

Another matter which had engaged his attention was the present system of competition on entrance as naval cadets. On this point, too, the Committee had unanimously reported in entire disapproval of the present method of entry by competition. Even when restricted as at present by the nomination of only two boys for each vacancy, the system was hurtful to the boys, and therefore injurious to the service. He had acted upon this recommendation, and the nominations granted for the next examination had been granted without reference to competitive examination. There had been a change made in the examination, also recommended by the Committee. They proposed that Latin should be included in the subjects of examination, on the ground that it would be impossible for boys to be crammed on that subject, and that it would be a better test of educational acquirements. The Committee also disapproved of the enormous number of subjects in which the boys were examined on the *Britannia*, and in accordance with their recommendation, the

Mr. Hunt

course of study had been altered, and the subjects of examination reduced. Until the College was opened, it would not be possible to act upon the recommendation of the Committee as to the three years' course of study, broken by summer cruises, but it would be carried out, if Parliament sanctioned the institution of the College.

With regard to the higher education of officers, he had to congratulate the right hon. Gentleman opposite (Mr. Goschen) on the success which had attended the institution of a Naval College at Greenwich. He stated last year when he moved the Navy Estimates, that the number of officers studying there was 194; the number of officers now studying there was 230. He believed the institution of the Naval College at Greenwich would tend very much to the efficiency of the service.

Probably it was known to Members of the Committee that a short time ago a new Order in Council was made with reference to the position of Medical Officers. The feeling of the medical profession generally had been that medical officers did not hold their proper place on board ship—that they were not sufficiently considered with regard to relative rank and other matters. The Order in Council had given them a further advancement as regarded rank, a corresponding small change had been made in their uniform, and an improvement had been made with regard to retirement. No addition had been made to their pay; but now every medical officer who entered the Service would, after he had been 20 years on full pay service, be able to retire on 15*s.* a-day, if he preferred it. The new Order had not been long enough in operation to ascertain whether the objections of the medical gentlemen would be removed; but from the tone of the organs which represented the medical profession, he thought the new rules would give satisfaction.

As to the Boys who were being trained as seamen, the Admiralty found that the advantages which were offered to them were not sufficient. The boys, on joining, had recorded against them a debt for their kit, and it was impossible for them to have any money to spend, or anything to send to their parents. They contrasted the unfavourable nature of their employment in this

respect with that of occupations on shore, and that led to a very considerable falling-off in the number of boys that the Admiralty were able to recruit for the service. A very short time ago the number of boys was less by 900 than the number required. Now, considering that we depended for our best seamen on the boys we trained ourselves, that was a very serious matter. Without waiting for the bringing forward of the Navy Estimates, he appealed at once to the Treasury on the subject, and the result was that the boys now received free kits on joining, and the deficiency in the number had been reduced by nearly one-half.

He now came to a question which his hon. Friend the Member for Hastings (Mr. T. Brassey) had on several occasions brought before the House—namely, the question of the Naval Reserve. That was a matter to which he (Mr. Hunt) had given—as was probably known to the Committee—a great deal of personal attention. In the course of last autumn he had an opportunity of visiting nearly all the principal training ships and stations on the coast, and of talking to the men themselves, to those who enrolled them, and to those who trained them. He was accompanied in his inspection by a late Colleague (Sir Walter Tarleton) who took great interest in the matter. They found the facilities for drilling given to the men, particularly to second-class men, were not sufficient; that they had to go very great distances for drill; and also that there were other impediments in the way of men joining which the Admiralty hoped to get rid of when the rules were revised—and they were now undergoing revision. They found that the distance of the drilling place from their ordinary residences deterred a great number of men from joining. The Admiralty had established a drilling station at Stornoway, and had received 400 or 500 men; and at Inverness, a considerable number of men had been obtained. On the 1st of March, 1874, the number of men of the first-class was 11,606, and the number of men of the second-class was 2,122. The number of men in the current month of the first-class was 12,392, and of the second-class 4,599. The number of men provided for in these Estimates was 18,000, and it would be seen that the two last numbers

added together amounted to nearly 17,000. With regard to the second-class, he knew that a great many people of authority rather disparaged men of that class, and thought it was hardly worth while to recruit them. He did not share that opinion, and the specimen he had seen of them, consisted of very strong, powerful, and active men. They acquired their drill very easily, and one great advantage was, that you could always find them when you wanted them, whereas a great many of the first-class men were in distant parts of the world, and could not be got when they were wanted. The second-class men were thoroughly acquainted with the coast, and when drilled, they could fight the guns well. It was true they could not, as a rule, go aloft or steer with a wheel; but they were very useful men, and would be ready to go afloat if wanted. The Admiralty thought that the organization of the Reserve Force might be carried still further. As was well known to hon. Members of the Committee, there was now a movement with regard to training ships for the Mercantile Marine. The hon. Member for Hastings (Mr. T. Brassey) had often urged the utility of training boys to employment in the Mercantile Marine, in order that they might join the Naval Reserve. There were, as the Committee knew, many training ships now, but they were mostly philanthropic institutions. Some of them were more or less a species, he was going to say, of gaols, but that, perhaps, was too hard a term. Some of them were a sort of reformatory schools, and others were industrial schools—boys in destitute circumstances who had been rescued from the temptations to a life of crime being placed on board these ships. The Admiralty were not disposed to ask any boys in reformatory schools to join the Naval Reserve; but as regarded boys trained on board industrial ships, he saw no reason why they should not be invited, and he proposed that those who managed these ships should be asked to allow guns to be placed on board those ships for the purpose of drilling. He did not think these ships could furnish a very great number of boys whom the Admiralty could invite into the Reserve; but the proposal to train boys for the Mercantile Navy in various ships around our coasts he thought opened a much larger field. In

fact, he felt so strongly the importance of movement as regarded our Reserves, that he had been considering in what way the Admiralty should assist the establishment of those ships in a national point of view. His right hon. Friend the President of the Board of Trade (Sir Charles Adderley), a short time ago informed the House what contribution he proposed should be given to the men per head from the Mercantile Marine for training boys in these ships. What the Admiralty proposed was this—it must be understood, however, that they could not undertake to do it all at once—they would provide a ship, her moorings, and an amount of rigging sufficient for training purposes. They proposed to put one or two heavy guns on board, and to pay a pensioner as an instructor. The Admiralty must be entirely at liberty to limit the number to be received, but those who were received would be required to produce certificates of good conduct and proficiency in drill, and for those so received £3 per head would be paid to the ship. He did not mean £3 per annum, but £3 for every boy who was taken into the Naval Reserve. For this purpose it was proposed to institute a third-class of the Naval Reserve. Then it was intended that every boy who was taken into the Naval Reserve should receive a suit of clothes every year; but as a condition of his service he would be bound to go to sea. Thus the boys, after being trained on board the ships, would not be received into the Naval Reserve, unless they had actually served at sea or were prepared to do so. The actual regulations with regard to that were not yet framed, but these would be their main provisions. Besides, it was proposed that the boys, when they reached the age of 18 years, should be enabled to pass into the other classes of the Naval Reserve; and he looked forward to the time when we should have an ample supply in the higher classes of the Naval Reserve of men who had been trained as boys on board these ships, who had been accustomed to the use of arms of all kinds from their earliest years, and who had been thoroughly drilled. We should then feel that we had a real Reserve which we might depend upon in case of emergency. The Commission on Manning the Navy recommended that 30,000 should be the

Mr. Hunt

number to be enrolled in the Navy Reserve. Whether that number would be fixed upon now that the crews of ships of war were smaller than they used to be, was a matter remaining to be settled. Therefore, the limit to be put to the Naval Reserve had not yet been fixed. We had lately, however, had 17,000, and it was now proposed to have 18,000. While upon this subject, he ought not to omit saying that the consideration of all these matters had led him to the conclusion that there ought to be a head to this Force. Of late years the Naval Reserves had been under the administration of the Second Naval Lord. Inspections were made from time to time by the Commander-in-Chief of the District, but there was no head of the force to whom the officers employed in the service could refer, and nobody who could stimulate the zeal and ability of the officers concerned in the drilling, or of those employed in enrolling the men. Therefore, he had appointed an Admiral Superintendent of the Naval Reserve outside the Admiralty, and he looked forward to great advantages accruing from that appointment, because the officer in question took the deepest interest in the matter, and had had great experience with regard to the Reserve Forces. Although the extra expense figured a little larger in the Estimates, it would be only £2,400 a-year after allowance was made for the abatement on Vote 1, by reason of the officer not drawing half-pay. So small a sum ought not to stand in the way of the most efficient organization we could get. He had discussed this subject with a great many naval authorities, and had been unable to find two opinions with regard to it.

And now he wished to touch upon a question which had been a matter of great concern to him—namely, the stagnation of promotion generally throughout the service. In the year 1874 three captains were promoted to be admirals, eight commanders were promoted to be captains, and 15 lieutenants were promoted to be commanders. Of these lieutenants, one had been promoted from the Royal yacht and six were promoted for services during the Ashantee War. He could not say he was satisfied with this state of things. It might be said that this was only a temporary evil. Well, perhaps it was only a temporary evil; but, at all events, it was an evil which

would last long enough to wear out the hearts of some of the best officers in the service. He could not disguise from the House that he must look forward, before a very long interval elapsed, to introducing a measure on the subject. He did not wish to go into details about the measure now; but he would only say that having accepted the office he now held without having had any previous experience in it, he was unwilling to make any sudden proposals or to attempt to frame a scheme without due and mature consideration; and therefore he had not been in haste to do so. It was a subject of very great difficulty, in which the interests of the officers and the advantage of the public service were involved, and it required to be well considered; but he looked forward to proposing a scheme at no distant date to remedy what he regarded as a most undesirable state of things.

There were one or two other matters to which he wished to refer. One of them was the getting rid of what last year he called the "old lumber" of the Admiralty, when he remarked that when a ship was useless and never likely to be useful again, she ought to be broken up and disposed of. This policy he had endeavoured to carry out last year, and the House had assented to his taking an additional sum for breaking up ships in the Dockyards. £4,000 was taken in the original Estimate, and £2,000 in the Supplementary Estimate presented a few days ago. He had also made a contract with a firm of shipbuilders for the sale of some 35,000 tons of old vessels. The hon. Member opposite (Mr. Reed) had spoken of the exceptional mode in which these ships had been disposed of; but when he saw the Returns moved for by his hon. Friend the Member for Reading (Mr. Shaw-Lefevre) he would find that the bargain was more advantageous to the Admiralty than any previous one. The sum it would bring into the Exchequer in the financial year was £128,000.

Last year a good deal was said on the subject of boilers. That question, he was sorry to say, had not yet been solved. He had appointed a Committee to consider it, and they had made a short preliminary Report. He had been promised another Report before he moved the Estimates, but it had not yet come to hand. The Committee had examined

boilers of all descriptions; but considered it necessary to prosecute their inquiries further, and he was told the information was exceedingly valuable. [Mr. E. J. REED asked, whether the right hon. Gentleman would lay the Report before the House?] He (Mr. Hunt) was not sure whether the first Report would be of sufficient importance to submit to the House alone; but if his hon. Friend wished to look at it, he should have no objection to show it to him. He hoped the Report he was likely to have in the course of a few days would go more fully into the matter, in which case, perhaps, both the Reports might be laid upon the Table together.

He now proposed to go into the more dry part of the subject, and that was the figures in the Estimates. The total amount of the Estimates was £10,784,644. That was the gross amount; the net amount, after deducting extra receipts and Indian contributions, which together amounted to £322,000, was brought down to £10,462,644. But he was bound to add a certain sum to this. It was well known to the House that the Army Estimates provided a sum for naval ordnance, while there was no sum in the Navy Estimates for the transport of troops. The balance against the Navy was £60,419, and this made the total of the net charge £10,523,063, or, in round numbers, £10,500,000. This net charge was almost to a pound £500,000 in excess of the net charge for 1874-5 according to the original Estimates he laid upon the Table, and according to the statement he made about 11 months ago. Taking the gross sum he had stated—£10,784,644—there was a net increase of £344,539 as compared with that of 1874-5, including the Supplementary Estimates. This comparison, however, was not altogether a just one, because the Estimates for 1874-5 included an exceptional service of a peculiar description—namely, the Arctic Expedition. The Vote for this expedition in 1874-5 was £98,620, while for the present year it was only £13,000. The increase this year might, therefore, be more justly taken at £430,000. The year 1875-6 was an exceedingly unfortunate one. He had been obliged to include under different Estimates a sum of £43,000 which did not really belong to the year at all, but was required to satisfy the claims of India in past years, the amount of those

claims having only just been arrived at. But the financial misfortune did not end there. Next year was Leap Year, which not only added another day's pay, but a 53rd weekly pay-day instead of 52; and these two disturbing elements together caused an increase of no less than £25,000. There was an increase for the non-Effective Service, over which he had no control whatever. The right hon. Gentleman opposite (Mr. Lowe) used to call that an automatic increase; and there was an automatic increase this year to the extent of £38,000. These figures taken together amounted to about £106,000. India had been his bane again. The terms on which we found men and officers for the Indian troop-ships had been re-adjusted; he had been bound to admit that we had been too exacting, and that the amount, formerly charged in respect of these ships, charged for the whole year was not what India ought in justice to be called upon to pay. One Indian troop-ship had also been put out of commission, so that there were now four, instead of five. These re-adjustments threw upon the Estimates a sum of £8,000 spread over two Votes. It was a question whether the number of seamen should be reduced on this account, but it was thought unadvisable to make any reduction in numbers. The sum just named, however, was not all lost, because the result was that the country had the advantage of the services of 100 men throughout the whole year and of 500 for five months of the year, while otherwise these men would have been bound to serve India and India alone. A slight increase of pay to the Artificers of the Fleet would account for about £7,000 of increase, and the free kit to the boys would cost £15,000. On the Victualling Vote there was an increase of £21,000; about £18,000 was due to the increase of numbers in the Naval Reserve, and about £8,000 on account of an issue of clothing to some of the Marines, which happened to fall within the present year. The addition to the Royal Naval Reserve increased that Vote by £25,000, of which about £2,400 was due to the establishment of the new office of Admiral Superintendent. There was an increase under both sections of Vote 10—Naval Stores and Machinery for Ships and Ships built by Contract. The increase appeared to be £160,000; but if

Mr. Hunt

allowance were made for the increase in 1874-5 on account of the Arctic ships in victualling, the increase would be £182,000. The increase in the Vote for Stores was, in a measure, owing to the fact that experience had shown that the sum taken last year was insufficient. Only a few nights ago the House was called on for a large excess Estimate for 1873-4, in which the item of Stores figured largely; and in 1874-5 there would be an excess upon the Store Vote. At this period, it was impossible to say exactly what the excess would be, and he was in hopes it would be met, to a great extent, if not entirely, by surpluses on other Votes; at all events, the Estimate for Stores in 1874-5 would be insufficient. In proposing the Supplementary Vote, he stated that he hoped there would be a saving upon the Stores. It turned out that, though prices were lower, the quantities would be greater, and therefore, instead of a surplus upon that Vote, he feared there would be a deficit. The sum taken for the present year, though in excess of the previous year's Estimate, was not in excess of the expenditure. The sum now asked for, however, was intended to cover the increased consumption of Stores, because it was proposed to do more work in the Dockyards. With regard to that part of the Vote relating to Machinery for Ships built by Contract, there was nothing new involved in the way of policy. The increase was due to the sums it was necessary to take for instalments under existing contracts, and partly to provide machinery for ships being built by contract, and for breaking up of ships. That was only the natural sequel of the Votes already taken in previous years, and the policy which had been pursued. The Scientific Vote showed a decrease of nearly £6,000, due almost entirely to the cessation of expenditure with reference to the Transit of Venus, and to a slight extent in connection with the scientific branch of the Arctic Expedition. There was a decrease of nearly £30,000 in Vote 11, for Works, but the amount taken includes a small sum for preliminary operations in connection with the building of a naval college at Dartmouth.

With regard to New Works, one of the chief was the extension of the Dockyard at Chatham. The original Estimate for this work was £1,700,000. As the

work went on, however, prices rose and unforeseen difficulties of a physical character presented themselves; some changes were found necessary, and a revised Estimate was made, adding to the original Estimate no less than £250,000. Nearly the whole of the sum originally estimated had been spent already. Of these works Colonel Pasley, the Director of Works, said—

"Of the three basins or floating docks, four dry docks, two locks, and the public wharf at Gillingham which form the principal features of this work, two basins, all the four dry docks, and the public wharf are completed and in use. [The position in which the steamboat landing-stage is intended to be placed being at present blocked by the dam at the eastern end of the third basin, it has been temporarily placed in another site, from which it will be removed eventually at the expense of the Admiralty. This will be a work of very trifling cost; and in all other respects the wharf is complete.] Of the third basin, rather more than one-half is, with trifling exceptions, finished, and the remainder, together with the two locks and the river wall adjoining them, has yet to be completed. The ground in which these are to be constructed has been laid dry by the construction of a great earthen dam, and the excavation for the basin walls has been commenced."

Thus the Committee would see from this Report the beginning of the end of the works at Chatham. For the extension of the Yard at Portsmouth the original Estimate was £2,207,000, the revised Estimate, £2,350,000, showing an increase of £143,000. The works there were still more nearly completed than at Chatham. Colonel Pasley said of them—

"The repairing basin, with its two dry docks, and the tidal basin with the deep dock, as well as the two entrance locks, are now completed, and only await the removal of the dam, and the fixing of the caissons in their places, to be brought into use. Some delay has arisen from the novelty and complexity of the machinery and arrangements connected with sliding caissons of such unprecedented dimensions as these, but I hope nothing will occur to prevent the opening of the two basins and three dry docks early in the coming summer."

There was a new item of £18,000 under the head of Keyham for the construction of a pontoon for docking vessels of 1,000 tons and under. There was a great want of accommodation for docking this class of vessels, and Colonel Pasley said—

"The small docks at Woolwich and Deptford are no longer available, and no new ones have taken their place. Under existing circumstances, therefore, ships of small tonnage have frequently to await a chance of going into docks which are much too large for them, in which

they cannot be economically or conveniently accommodated, and which they can only occupy to the exclusion of ships for which the docks are better adapted."

This work was represented to the Admiralty as one of urgent necessity. At first new docks were thought necessary, but the plan of a pontoon was devised for docking vessels of 1,000 tons and under, and, of course, cost much less than docks did. The next point to which he would refer was the extension of the works at Haulbowline. That was a subject which was brought before the House by the hon. Member for Cork (Mr. Ronayne) last Session, and on that occasion the Junior Lord of the Admiralty (Sir Massey Lopes) promised that they would go and have a look at the works. In the course of last autumn they did go, and experienced some very rough weather in doing so. The conclusion which they came to was that if the work was worth going on with at all it ought to be proceeded with faster. Great importance was attached to this work by naval authorities of great judgment. As it was now dragging on from year to year, we were getting no benefit from what was already done; and therefore he had come to the conclusion that the work should be carried on with greater expedition. He therefore proposed to increase the Vote for 1875-6 to £30,000, being an addition of £10,000 to last year's Vote. The revised Estimate for the work amounted to £420,000, which was an excess of £90,000 over the original Estimate. He came then to the question of Alderney. There was a Report from Colonel Pasley on that subject, which suggested one of three courses. Colonel Pasley said—

"It may be dealt with in any one of the three following methods:—namely, 1, the whole work may be abandoned to its fate; 2, the whole may be maintained; and 3, the outer portion may be abandoned and the inner maintained."

And he added—

"In every respect the abandonment of the outer and the maintenance of the inner portion of the work appears to me to be the best policy to pursue."

He proposed to adopt the course which had been thus recommended by Colonel Pasley. That completed the observations which he had to make upon the Works Vote, and also upon the increase and decrease in the Estimates, with one exception. That exception

Mr. Hunt

referred to the employment of men in the Dockyards. He had not taken that subject before, because, being a question of policy, it appeared better to deal with it separately, inasmuch as it was possible that some controversy might arise on the point, though he hoped that would not be the case. The increase under Vote 6, for Dockyards, &c., was given in the Estimates as £68,743; but, as £18,000 under that head was taken for the Arctic Expedition in 1874-5, the increase was really £86,000. Of this £22,000 was for the 53rd weekly pay-day of Leap Year. The main part of the increase, however, was due to the proposal to add 880 men to the existing dockyard strength, which would bring the total numbers up to 16,000. He was unable to deal with this question without referring to a matter which caused some excitement last Session, namely—the state of our Fleet. He hoped the same animated discussions on the matter would not again arise. He had no wish to treat it in a controversial spirit; but it was utterly impossible that he could avoid dealing with the subject. He made a statement last year with regard to the condition of our iron-clad fleet, which was forced upon him by the fact that there was a Motion for Inquiry into the matter, and there were letters in the papers, from persons more or less acquainted with the subject, giving an exaggerated account of its condition. He felt it his duty, therefore, to lay what he believed to be the actual state of our iron-clad fleet before the House. He did so after laborious investigation, and to the best of his ability. That statement was criticized very much in this House, and still more in the Press; but he could only say that now, after 11 months' reflection and inquiry, he entirely adhered to what he had then said. It was argued in the Press that the statement he had made was utterly impossible, and it was attempted to put the First Lord of the Admiralty in this dilemma—either that he had exaggerated the ill-condition of the iron-clad fleet, or that he had not taken sufficient means to remedy it. Well, he would admit, to a certain modified extent, the truth of the latter charge, and his repentance in that respect would be seen in the proposals he was now about to make—namely, a further addition to the Dockyard strength, as well as other proposals for

the improvement of the condition of our Fleet. He had said to "a modified extent;" but, with regard to his proposals generally, he did not consider himself open to the charge. Those who looked to the Navy Estimates simply were apt to say—"Oh, the Navy Estimates were originally £10,000,000, and the First Lord of the Admiralty only proposes to add £150,000." But those who went carefully into the matter knew that was not a fair remark. First of all, the Navy Estimates were not entirely taken up with the building and repairing of ships. That formed but a small part of the total sum taken in the Estimates. When they struck off about £2,000,000 for the non-Effective Services, and took into account what was spent on the *personnel* of the Fleet and other matters, that would leave out of £10,500,000 in round numbers, the Estimates of last year, only about £3,000,000 for the building and repairing of ships. The addition, therefore, to this total to which he proposed to make in the Supplementary Estimate was, in his view, not a very small one. Besides, those who made the charge against him omitted to observe what a large addition to the number of men in the Dockyards was made the year before by the right hon. Gentleman his Predecessor. In 1863-4, 640 men were added; in 1874-5, 700 men were proposed to be added by the right hon. Gentleman opposite; while he, himself, added 800 men, 100 in the original and 700 in the Supplementary Estimate. So that 2,140 in the course of two years were added to the Dockyards. That was a very formidable addition, and one which ought not to have been disregarded, when the means which he proposed to take for improving the conditions of the Navy were criticized. He pointed out in his speech on that occasion, that the Navy Estimates which had gone down for some years, had of late been swelling in the hands of his Predecessor. Therefore, the conditions of things was to be considered, not with reference to the Estimates framed by the right hon. Gentleman opposite last year, but to the Estimates put before the Committee in previous years. His out-of-door critics of last year had this year returned to the subject, and said that in the Estimates now lying on the Table was to be found a decisive argument for invalidating the statement which he made as to the condition of our Fleet last year. He

had shown what the total net addition to the Estimates this year was. The proposal which he now made was, to add 880 men to the Dockyard establishments; but he would like the Committee to see what the difference was between the money which he proposed should be devoted to the building and repairing of ships this year, and what it was under the Estimates of 1872-3. The Paper which he held in his hand had been prepared for him by the Departmental officers, and it was well known to the Members of the House who studied the Estimates, that the sums taken for the *matériel* of the Fleet were comprised in Votes 6 and 10. In Section 1, Vote 10, there were some matters which had no reference to the *matériel* of the Fleet; but these had been eliminated by the Departmental officers who drew up the Paper. That being so, he came to these figures—In 1872-3, £2,189,000 was taken for the *matériel* of the Fleet, and according to the Estimates now on the Table £3,280,000 were taken; so that there was this year a difference of a little over 1,000,000, or an addition of some 50 per cent to the amount taken in 1872-3. So that those who said that the proposals which he now laid before the Committee were inadequate for putting the Fleet in proper condition had not their attention directed to the difference of the Estimates now proposed as compared with those of 1872-3. He knew it would be said that there had been a rise in prices since that time. According to the Estimate made by the Department that rise did not exceed 20 per cent, and if hon. Gentlemen deducted that, they would still find £800,000 and over as the addition to the expenditure on the ships. He had thought it necessary to state so much, because he had been somewhat roughly handled in reference to this matter. One representing such a Department might expect to be duly and sharply criticized; he did not complain, but he thought the criticism should be tempered by all the knowledge that could be brought to bear on the subject. The facts he had stated would, he hoped, be duly considered. When he said that he adhered to the statement he made last year, he was going to make a qualification. He stated that there were nine ships of war not worth repairing for seagoing purposes. It had been thought that one of those ships might possibly be worth repairing

—the *Royal Alfred*. It appeared in the programme for this year; but it could not be known that she would be worth repairing till she was examined. But with that qualification he adhered to the statement he made last year. He also told the Committee last year that there were at that time 14 ships thoroughly effective for service “in the proper sense of the term,” and he meant those words to be part of his statement. He said also, that in the course of the year four more would be ready, making 18 ships “in the proper sense of the term” thoroughly efficient, and that expectation had been realized. He now would inform the Committee how they should stand in the immediate future. By the end of the financial year there would be four more, and by the end of 1875-6 four others, making 26 thoroughly efficient vessels altogether. He was not speaking of what were termed at the Admiralty “special ships,” such as the *Devastation* and the *Thunderer*. He did not undervalue ships of the *Thunderer* and *Devastation* type; but he had been speaking of ironclad ships fit for cruising purposes. But by the end of the year their Fleet would be strengthened by the addition of the *Thunderer*, which would be completed. The difference that would result from the addition of the men he had asked for would be that one ironclad would be completed in 12 months instead of two years; and one, coming in for repairs, in 8 months instead of 20; and they would make progress with the *Inflexible* and *Téméraire* to the extent of 300 or 400 tons each more than they would have done. They would also be able to commence and make some progress with a new class of vessels to which he would allude presently. That was the prospect before them, supposing the proposals he now made to the Committee were accepted. It might be asked, considering the condition of the Fleet to be such as he had pointed out, why had nothing more been done? He had been governed by these considerations. He thought it exceedingly undesirable to add an enormous number of men to the Dockyards for one or two years. The shortness of the employment was bad enough in itself, and when they were discharged great distress very often was the result. A disturbance in the labour market was also created which it was exceedingly

desirable to avoid. One, of course, had to consider whether such a spasmodic effort was necessary, and he came to the conclusion that though things were not in a satisfactory state there was nothing either in the condition of other fleets or in the condition of our own to make such a spasmodic effort necessary. He thought it better to proceed more quietly, making considerable additions, and, at the same time, spreading the work over a greater number of years. He said just now, he admitted he had not made sufficient provision last year. It was said by many that the Treasury was the obstacle—that he had formed grand notions of spending millions on the Fleet; but the Chancellor of the Exchequer would not accept the bills he drew on him. There never was the slightest foundation for that assertion. His right hon. Friend and he were entirely at one on the matter. He generously accorded him all he had asked, and if anyone in the Government was to blame for the proposals made last year he was alone to blame. He did not say his knowledge was now all it ought to be; but with the experience he had since acquired he came to the conclusion that the number of men he had asked for last year was insufficient. He was not ashamed to say he was then entirely new to the work. He was exceedingly anxious to give full weight to the administrative ability of the right hon. Gentleman who preceded him, and he shrank from proposing a larger addition to what the right hon. Gentleman recommended to the House. But the experience of the last year, and the discussions which had occurred at the Admiralty, satisfied him that unless additions were made to the Dockyard strength they would not be able to make much progress, and the Fleet would not be what it ought to be within a moderate length of time. Under these circumstances, he now made the proposition he had stated to the Committee.

Now, with regard to the programme of ships, he did not propose to contract this year for any new ship except a torpedo vessel. In some respects the contract work would be greater, but it would be on ships already commenced. In the Dockyard he proposed to commence two new ships of the *Arab* class and two vessels of an entirely new type—very fast despatch vessels, the exact design of which had not yet been settled. But it was pro-

Mr. Hunt

posed that they should be vessels having a speed of 17 or 18 knots. There were ships building in foreign yards of that speed. They would be exceedingly useful in overtaking an enemy's ships of commerce or protecting our own, and they would be able to render great service in case of war. It was proposed that some progress should be made on one of these in the course of the financial year; the other would be commenced, but little progress would be made with her. With regard to the ironclads, the Committee would remember that last year two new ironclads were sanctioned. They were being built by contract. He proposed now to do no work on new ironclads, but to get the sanction of the House for the laying out of two new ironclads in the Dockyards, so that they might be ready to put the men upon them when they were taken off the ships about to be completed. The designs for those two new ships were not yet matured; but in getting the consent of the Committee without laying the plans before them he was only following the example of the right hon. Gentleman two years ago.

MR. GOSCHEN: But they will be laid on the Table before the end of the Session if you follow my example.

MR. HUNT said, he would be happy to do that as soon as the designs were settled. Perhaps the Committee were hardly aware of the number of ships now in course of construction. There were in the Dockyards and by contract no less than 42—8 ironclads, 4 iron corvettes wood-sheathed—6 composite corvettes, 9 composite sloops, 5 composite gunboats, 2 troopships, 1 paddle vessel, 1 tug-boat, 2 iron barges, 1 wood barge, 2 armed despatch boats, and 1 torpedo vessel. He did not count the two ironclads he proposed to lay down this year. The Committee, he thought, would be of opinion that when these were completed they would form a large addition to the efficiency of our Fleet. It was proposed to build in Her Majesty's Dockyards in the course of the year 13,812 tons, and to employ for building work 5,194 men. The contract work proposed to be done was 5,853 tons, making with the work in the Dockyards a total of 19,665 tons. The principal work undertaken by the Government this year was the repairing rather than the building of ships. Last year he pointed out

that the expectations held out by the late Government as to the amount of tonnage to be built had not been realized, and he was sorry to say that in this respect he was no better than his Predecessors. The total tonnage which the Government proposed to build last year was 19,962; but the actual work done was only 15,258 tons, so that they had been behindhand in the year's operations to the extent of 4,704 tons, including the contracts. This deficit, however, was partly due to the fact that the work connected with the ships of the Arctic Expedition had employed a great number of men who would otherwise have been employed on new ships. With regard to the work done by contractors, he believed that in many cases strikes and difficulties with their workmen prevented them making so much progress as was expected. Perhaps, as he said something about the desirability of doing more boiler work in the Dockyards it might be as well that he should state what they had done during the last financial year. The total number of horse power of boilers completed in the year was 3,299, or about 15,000 indicated horse power. They proposed last year to take on 100 additional men for boiler work, but those were only taken on after May in that year; the increase of boiler work due to those additional men was 1,010 horse power; and the additional boiler work per annum, owing to the additional men, if employed for the whole year, was estimated at 2,000 nominal horse power.

Now, he believed that he had gone through all the matters that he had thought it necessary to bring to the attention of the Committee. He had occupied the Committee a considerable time; yet it might be that he had omitted many things upon which the Committee might have desired information. It was almost impossible upon any one occasion to advert to all the matters of interest; but they all knew perfectly well that hon. Members would have an opportunity of putting questions and eliciting information with regard to the different Votes; and therefore that night was not the last occasion upon which he should have to be upon his legs as to the Navy Estimates of 1875-6. He thanked the Committee for its kind attention, and concluded by moving the Vote for the number of men.

MR. GOSCHEN said, he was not sorry to take part in the ceremony of that evening, which included, among other things, the burial of a great many past controversies. Some of these controversies had been long and fierce, and after having heard so much of them for the last five years, the House would no doubt be heartily glad to part with them. The right hon. Gentleman, in his clear exposition of the various topics which came under his notice, alluded to much which was of great interest to the Committee, and to all who paid attention to naval affairs. But perhaps many hon. Members were as much interested by the omissions from that speech, as by that which was contained in it. They were happy to hear that the number of Men proposed was precisely the same as the number which had been submitted to the House for the past four or five years. There was a time when very lively attacks used to be made on the late Government in regard to these matters. The hon. Baronet the Member for Portsmouth (Sir James Elphinstone) was always complaining in former days that our ships were under-manned, and the Estimates insufficient; but the right hon. Gentleman in the speech which had just been heard, made no mention whatever of an insufficiency of men. Again, it used to be said that the number of boys was deficient, but that number had been for years past either 7,500 or 7,000. This year it was to be 7,000. Both as regarded Men and as regarded Boys, the proposals of the right hon. Gentleman were satisfactory. Then there was the question of our foreign establishments, the number of squadrons which were to be employed, and the number of ships in those squadrons. About these things also there had been animated controversies. Now, however, the controversies had died out. The right hon. Gentleman had not thought it necessary to say a word with regard to the number of ships to be kept in commission; and it might, therefore, be assumed that in respect to the amount of naval force which was deemed necessary for the protection of our Colonies and the general service of the Empire, the right hon. Gentleman had thought it right to abide by the lines laid down by his Predecessors. Another subject which every one must have been glad to find omitted from the speech of the right hon. Gen-

tleman was the organization of the Admiralty. It was to be hoped they had heard the last of this subject, and that the right hon. Gentleman found the machinery of his Department working in a fairly smooth and satisfactory manner. The time of the House would be infinitely better employed in debating the work of the Admiralty than in constantly disturbing the Department by taking its machinery to pieces. In regard to the Coastguard, as in other important respects, the policy of the late Government had been accepted. 4,300, the force which had existed during the last five years, still remained on the Estimates. Altogether, there was good reason to be satisfied that so many controversies had been got rid of. For his own part, he had always been anxious that naval matters should be discussed in that House without Party spirit, and that the important and difficult questions which naturally arose in connection with these Navy Estimates should be considered solely on their merits. The right hon. Gentleman had alluded to one controversy which still remained—namely, as to the number of men employed in the Dockyards—but that was a small matter in comparison with the disputes which now seemed to be at an end. He was happy to be able to congratulate the right hon. Gentleman upon the constitution of the Board of Admiralty, and upon the ability of the naval advisers by whom he was surrounded. He had called to his councils Sir Alexander Milne, who had been associated with the late Board—Admiral Hornby, than whom no more able officer existed, and Lord Gilford, whom he (Mr. Goschen) had been most glad to appoint to the Steam Reserve at Portsmouth. There was every reason, therefore, to rely upon the advice which the First Lord of the Admiralty would receive from those who formed his council. There were various topics which called for brief notice before coming to the more important subjects which were touched in the concluding part of the speech of the right hon. Gentleman. In regard to the question—no doubt a difficult and delicate question—as to the Warrant Officers, he thought it a pity the right hon. Gentleman had said they had made out a case, when he was not prepared, on account of the heavy pressure upon this year's Estimates, to deal

at present with their grievance. It was rather a delicate matter to hold out hopes to any branch of the profession, though he had no doubt that the right hon. Gentleman would do his best to meet the question. He regretted that the right hon. Gentleman was not silent upon the matter, though he (Mr. Goschen) quite recognized the temptation to sympathize with a most deserving body of men; and as the right hon. Gentleman had acknowledged that something ought to be done, it might be wise that he should try, in connection with this year's Estimates, to do what justice required. In connection with the question of "hauling-down" vacancies, he thought the right hon. Gentleman had taken a very wise step. The matter frequently occupied the attention of the Board in his (Mr. Goschen's) time, and he gave the right hon. Gentleman all credit for what he had done. Next, as to the training of cadets, the right hon. Gentleman had correctly stated that the substitution of a college for the training ship *Britannia* had occupied the attention of the late Board, and he (Mr. Goschen) was himself strongly in favour of the substitution. He believed that, notwithstanding the unanimous view of the Committee appointed by the right hon. Gentleman, there was a considerable difference of opinion among naval officers; but, on the other hand, there was, among men well competent to judge, a desire to see the college substituted. He himself could only say that he wished the latter scheme every success. He could not, however, go entirely with the right hon. Gentleman when he said that he had already abolished competition as regarded entry into the naval service. The new regulations under which the nomination would be given had not been very clearly stated; but perhaps it might be assumed from what had been said, that it would be simply a matter of patronage with a test examination. This would be a very serious change. He admitted there were objections to competitions in the case of very young boys—still, it was well known that there were scholarships offered in public schools to boys about the same age as those who sought to enter the Navy. The whole question of the admission of cadets was involved and required investigation; and it would be well to have a separate discussion de-

voted to it, in order that all the arguments might be thoroughly threshed out. It was his anxious wish that by some means boys might be drawn into the Navy from the great public schools. He was very strongly opposed to a system which made it necessary for the boys to go to one or other of a very few cramming establishments before admission. These establishments, he was aware, were exceedingly well conducted, and very successful in many respects; but it was desirable that the boys who entered the Navy should have the same general training as other boys. He was obliged to the right hon. Gentleman for the complimentary terms in which he had alluded to the College at Greenwich and spoken of its success. There was no reason to find much fault, if any, with the step which had been taken in regard to the admission of boys as sailors, and the grant of free kits to them. Certainly the sum of £15,000 was rather a large one; but if it made the difference of 300 or 400 boys, the expenditure would not have been altogether ill-advised. A number of stringent regulations existed at present in connection with their admission. They occasionally found that by the relaxation of some of the over-strict regulations, the supply of equally good boys might be increased. The number of boys who went into the Navy also varied much at different times of the year. During the first two years that he was at the Admiralty, he was constantly told that the supply of boys was short and the supply of seamen falling off. Nevertheless, at the end of the year the number of boys remained the same, and the supply was increasing. The right hon. Gentleman did not state the number of blue-jackets at present on the establishment; but he gathered from his silence that it was not unsatisfactory. With regard to the Reserves, he was pleased to hear from the right hon. Gentleman that they were increasing in number, and he (Mr. Goschen) hoped improving in quality. He understood that the satisfactory entries of upwards of 4,000 into the second-class Reserve had occurred under the regulations which he had himself made, with certain increased facilities which had been given within the last few months for drill. The controversy with respect to the Reserves had been a warm one for years. Many Gentlemen had de-

clared that they would not be able to get the men; but he and his Colleagues had always believed that they would get them by slightly modifying some of the regulations. He rejoiced that their expectations had been so fully realized, and that at last the number of men had overtaken the amount of money voted for them. He had no doubt that the increased facilities referred to by the right hon. Gentleman would continue to attract men to the service, and that they would be able to raise the number thought necessary. As to the assistance to be given by the State to ships for training boys for the Mercantile Marine, that subject was also considered by the late Government, who, although disposed to give a certain sum of money towards that object if necessary, found that the difficulties connected with the matter were extreme; and he was therefore anxious to see the regulations by which the right hon. Gentleman proposed to carry out that purpose. The great difficulty was to secure a sufficient hold on the young lads. It was absolutely necessary that they should present themselves annually for a certain amount of drill in order to receive the retainer. Again, many training ships took boys almost as late as they were taken in the Royal Navy—so that when they went to the ships they were rather above the age when they should be taken into the Navy. However, if the right hon. Gentleman could solve those difficulties, and insure that the lads should be made efficient by a regular system of drill, he hoped that he would be able to carry out his scheme. With regard to promotion, every one must feel sympathy with the right hon. Gentleman in the difficulty he now experienced, and must also feel that he had been rightly advised in not dealing at all hastily with that matter. Half the existing difficulties arose from the somewhat inconsiderate way—if he might say so—in which naval cadets were entered years ago. He had heard it rumoured that the right hon. Gentleman and his Board had been increasing the entries of cadets. At the close of his own tenure of office he reduced the number considerably, partly with the view of changing the regulations under which they entered; and therefore, in fairness, he allowed that the right hon. Gentleman was entitled to increase somewhat the

entries, so as to make up the deficiency of the year before he took office. But he trusted the right hon. Gentleman would be able to show them that he had not by an excessive entry of cadets exposed them to a recurrence of their old difficulties by and by. It was all very well as long as those cadets remained in subordinate ranks; they wanted them as sub-lieutenants and lieutenants; but they would have assuredly to pay the penalty of the system in after years in that stagnation of promotion which was so detrimental to the service. The right hon. Gentleman should, therefore, guard against future danger of that kind by checking any undue entry of cadets. The right hon. Gentleman's next topic—he (Mr. Goschen) took them in the same order—was that of ships and stores, and he had informed the Committee that he had taken vigorous steps to sell 35,000 tons of useless shipping. He had forgotten to include that subject among the buried controversies of which he had already spoken. The late Government had been strongly attacked for parting with a number of ships of the Navy for the sake of a paltry sum of money; and the charge was even brought against them—and it went the round of the papers—that they were going to put up Nelson's ship for sale. Why was that? Because they thought fit to sell some useless ships. Now, however, the right hon. Gentleman was to sell 35,000 tons of useless ships besides those that were to be broken up in the Government yards. It might be well to dispose of those ships provided every care was taken that none were broken up which might be used as receiving ships, training ships, or for any of the other purposes for which there were many applications. Acting, no doubt, under the impression that the late Admiralty were virulently assailed because they put up ships to auction, and thinking it a thing which went against all sentiment that they should be knocked down by the hammer—the right hon. Gentleman adopted the hole-and-corner mode of disposing of them by private contract. Much might be said on the particular method in which that was done; but, on the whole, the late Government had no cause to complain that the right hon. Gentleman had substantially pursued their policy in that matter. The right hon. Gentleman having disposed of his preliminary discussion, came

Mr. Goschen

to the figures of his Estimates, and it appeared that he did not know whether the increase of them would be considered large as compared with those of last year, or small; but he (Mr. Goschen) believed the right hon. Gentleman inclined to the idea that they were small. He had pointed out that India had been a very heavy pull upon him—that he had to make an addition to the charge for the non-effective service, and by various items, amounting altogether, in round figures, to £200,000, he accounted for an increase in the Estimates. But in a later part of his speech he tried to show that he had added a great deal to the Estimates; and one could perfectly understand why he did so. The right hon. Gentleman, he might here remark, had taken the lowest year he could find among the late Government's Estimates—namely, 1872-3, and stated that he was adding £1,000,000 to the shipbuilding Votes—Nos. 6 and 10.

Mr. HUNT: I did not say I had added £1,000,000; but I said that the right hon. Gentleman and myself had done so.

Mr. GOSCHEN said, he disclaimed all share in that extraordinary arithmetical transaction. The right hon. Gentleman had said that £1,000,000 having been added to Votes 6 and 10, he had really increased the shipbuilding votes by 50 per cent as compared with 1872-3. But while the right hon. Gentleman asked for 50 per cent more in money, he only asked for an increase of 3,000 men—the number in 1873-4 having been 13,000, whereas he proposed 16,000—but he altogether disputed the correctness of the right hon. Gentleman's accounts, although they might be intelligible if it were intended to devote the £800,000 to building ships by contract. Then as to the stores, the right hon. Gentleman had been obliged to ask an increase of £182,000 under that head [Mr. HUNT said, that included two sections of Votes.] Yes. In the first section he understood there was an increase of £85,000; but the right hon. Gentleman admitted that there had been a continuous rise of prices, and he (Mr. Goschen) was glad that it was not necessary to ask for more. The details of the Vote did not appear as if the Liberal Government had starved the stores and their successors had been obliged to increase the quantity. On timber there

was a decrease of £4,000, on coals of £14,000, and on hemp and canvas of £6,800, and the increase was only on metal. The late Administration would plead guilty to having bought as little iron as possible during the years when iron was so high. Upon the face of this Vote it conveyed no slur upon them. To have a sufficient stock of seasoned timber in store was, he might add, a matter of great importance, and he hoped, therefore, the right hon. Gentleman would subscribe to the doctrine which was acted upon by the late Board of Admiralty—that there should be large stores of articles which could not be bought at the shortest notice, but that there was no use in laying up such stores of things which could be readily procured in the market. Coming now to the shipbuilding policy of the Government and the number of men to be employed in the Dockyards, he would congratulate the right hon. Gentleman that as regarded Vote 10 Section 2, and the building of ships by contract, there was no new policy involved. The right hon. Gentleman had informed the House that there were 42 ships being built, two being new ships which were laid down this year, and two which were ordered by him on last year's Supplementary Estimates. Out of the 42, therefore, 38 had been commenced by his predecessors in office, which showed, he thought, that they had not been unmindful of the wants of the Navy. It now appeared that after the right hon. Gentleman had been a year in office he was satisfied that although it was necessary to repair ironclads more rapidly than had been done by the previous Government, yet that it was not necessary to commence, or hurry on the building of, any new ships. He did not propose to begin the building of any new ironclad frigates or corvettes, large or small, but only one small sloop of the *Albatross* and two of the *Arab* class. He did not complain of the right hon. Gentleman for adopting that course; on the contrary, he approved of it, although, as he himself had stated, he had not to deal with a close-fisted, but with a generous, Chancellor of the Exchequer, from whom he could if he wished have obtained more money had he deemed it necessary to re-assure the public mind with regard to the strength of our Navy. As he had not asked for

it, it was clear the right hon. Gentleman considered the number of ships to be adequate; and while he might, if he wished to be critical, take exception to the proposed repair of some obsolete ships, yet he could not help admitting that the right hon. Gentleman, with a clear field before him, a generous Chancellor of the Exchequer, and a majority behind him, who would have been prepared to sanction the building of a large number of ships, had been exceedingly modest. He was aware, to use his own expression, that it would be wrong to indulge in any spasmodic increase of our Navy, and that the state of foreign Navies as well as public opinion did not warrant him in proposing a larger programme. He was justified, no doubt, in taking that course, and he felt himself to be so, after the expiration of five years during which time his predecessors had been in office, and during which period millions had been saved to the country. He came now to the right hon. Gentleman's allusions to the controversy raised between them last year; and, in referring to this subject, he did not intend to follow the right hon. Gentleman very closely into the defence which he had made upon this point. The right hon. Gentleman said that he did not alarm the country by what he had said last year. But the right hon. Gentleman had to submit to the Committee an increase of 1,000 men in the Dockyards, and his explanation brought out in the most clear—he might almost say in the most charming—manner the exact point of difference between himself and his predecessors in office. The right hon. Gentleman had explained that by the addition of 1,000 to the number of workmen employed in the Dockyards he should be able to turn out two ironclads in 12 instead of in 24 months, and one ironclad in 12 instead of in 20 months, and that he should be able to complete some 300 or 400 tons of shipping besides. That, therefore, was the whole difference between the right hon. Gentleman and his generous Chancellor of the Exchequer and those who had preceded him with their ferocious guardian of the public purse. He took no exception to the right hon. Gentleman's proposals. It did not matter much to this country whether we had 1,000 men more or less in our Dockyards, or whether one or two iron-clads were completed in 12 or in 24

months. Therefore, this old controversy of the number of men in the yards might be buried with the other matters of discord. The right hon. Gentleman had found out, as his predecessors had done, that the point to be kept in view was not the number of men employed in the yards, but the quantity of work which they would be able to do, and that it frequently happened that, from the greater difficulty of supervision, or from some other cause, a less proportion of work was obtained from a larger than from a smaller number of men. It was doubtful whether when these 1,000 men should be added to the yards there would be 1,000 men's work added; and he was not quite sure whether the right hon. Gentleman would not have been better advised if he had given a little more building by contract and kept the number of men in the dockyard at their present point. He should, however, give the right hon. Gentleman such support as he could in his demand for an additional number of men so as to enable him to hasten the completion of the two or three ironclads which he appeared to think it was so necessary for the country to have a year earlier than was originally intended. The work of the year was as disappointing as it had been in many previous years, and there had been few years when the amount of building had been more in arrear than it was this year, notwithstanding the additions that had been made to the number of men. The right hon. Gentleman could not be personally blamed for that shortcoming; but he trusted that he would use his great authority to concentrate the efforts of these additional men and of all the men in the dockyards in real fighting ships, and to prevent any large portion of their force being diverted from such ships to peace ships and those stationary ships on behalf of which demands were always so strongly pressed. He also trusted that the right hon. Gentleman would preserve Chatham and Pembroke as building yards, as opposed to repairing yards; because he had always found that when ships were sent to a dockyard to be repaired the regular building work of the yard was greatly interfered with, and often came to a complete standstill. He had now run through most of the topics to which the right hon. Gentleman had referred,

Mr. Goschen

and it was a satisfaction to many who sat on the Opposition side of the House that they were able to give the right hon. Gentleman their support with regard to the main proposals which he had made. He might say that the right hon. Gentleman's Estimates were a very outspoken epitaph upon many mistaken beliefs which had existed before; and he only hoped that our neighbours abroad and the whole service would be able to gather the true meaning and import of those Estimates, and to be able to read in them that two successive Governments, differing in political principles, were of opinion that the manning of the Navy was in a satisfactory state—that two successive Governments differing on many important questions were united in thinking that the squadrons maintained by this country abroad were adequate for the purpose for which they were established, and that the number of ships to be kept in commission need not be increased. He hoped they would also see that the charges of chaotic and disorganized administration in the Department were also unfounded, because, otherwise, some changes would have been proposed; and, above all, that they would see that, while the two parties in this country might differ among themselves on the point whether two ironclads should be built or repaired in one year or in two, and whether we should have a few stores more or less, they were agreed upon one vital point—namely, that about 20,000 tons of shipping was the amount that ought to be built annually, in order to repair the deficiency in our Navy, caused by the wear and tear of our ships, and that they would see that Parliament generally was united in being ready to vote the Estimates, large as they were, in full reliance on the discretion of the responsible Minister who thought it right to ask for them. He cordially hoped that with those £10,000,000, which the generosity of Parliament would place at the disposal of the right hon. Gentleman, he would be able to conduct the naval service of the country creditably and successfully; and he felt sure that no one who had a spark of public spirit would wish to see the authority of the Admiralty lowered for a moment by accusing that Department of administrative failure. The right hon. Gentleman and his Board had many points in their favour—

they had started in an open sea, and they had a favouring breeze; those clouds had lifted which had overshadowed their predecessors, and had impeded their freedom of action; and they now set out on their voyage with the good wishes of all. He hoped that they would make the most of their favourable opportunity, and he could assure them that they could rely upon his supporting the authority of the Admiralty to the utmost of his power, because he knew the extreme difficulty there was in securing the smooth working of a system of combined civilian and professional administration presided over by a civilian. He cordially trusted that the right hon. Gentleman and his Board upon whom lay such heavy responsibilities, would, as long as they continued in power, be the strong, respected, and authoritative rulers of a contented service and of an efficient Navy.

SIR JOHN HAY remarked that it would have been gratifying if the right hon. Gentleman opposite (Mr. Goschen) had been as anxious for the increase in the Navy during the years he was at its head as he was now. It would have appeared from the speech of the right hon. Gentleman as though the increase now proposed in the Navy was a mere continuation of that which had been going on for years. But he should wish to remind the Committee of what had fallen from the right hon. Gentleman his Predecessor (Mr. Childers) in making his official statement on the 1st of August, 1870, on the occasion of the outbreak of the Franco-Prussian War. He had then stated that we had 28 sea-going ironclads and 12 special harbour defence ships, making a total of 40 in all, fit for going to sea, besides 8 ironclads which were building. At the present moment we had also 8 ironclads building; and, therefore, the ironclads building might be put aside as being equal. The right hon. Gentleman, the First Lord of the Admiralty, had, however, been obliged to tell the Committee that evening that we had at the present moment only 16 sea-going ironclads in addition to 3 in the first reserve, making a total of 19 ships fit for service as against the 28 referred to, as complete and ready five years ago, by the right hon. Gentleman opposite. As far as he could gather there were

now only 9 special harbour defence ships as against 12 which existed on the 1st of August, 1870. Even if he were wrong in that supposition it was clear that the number of harbour defence ships as compared with that of the year to which he had alluded had not been increased. He understood his right hon. Friend to say that he proposed to repair 4 additional sea-going ships this year and an equal number next year; but even that rate of progress would only give 27 ships as against 28 we possessed in August, 1870. [Mr. HUNT said 26.] His right hon. Friend expressed dissent, and he now understood that instead of having but one, they would have two ships less than they had nearly five years ago. It could not, therefore, at all events, be said that his right hon. Friend was making undue efforts in that direction. He quite recognized the fact that, owing to commercial failures in 1866, a large number of men who were thrown out of employment were, rightly or wrongly, taken into the dockyards, and that they were taken in for a particular time and for a special purpose, and that that circumstance accounted for the number of ships in the year 1870—but the fact remained that that number had not been increased. He wished to know whether the *Devastation* was one of the ironclads ready for sea? Were the *Bellerophon* and *Resistance* included in the number? He was glad to hear that his right hon. Friend proposed to revise the condition of promotion in the Navy. The present position of affairs was most deplorable. They had all heard how much the service was injured by the present want of promotion. His right hon. Friend the Member for Chatham (Mr. Gorst) had contrasted the dissatisfied state of the Marine with the satisfied condition of the Naval service; but he could state that, so far from such satisfaction existing, there never was a time when the officers of the Navy were so little pleased with the prospect before them. It would, he thought, be for the benefit of the service if his right hon. Friend had continued the "hauling down" vacancies, as that system afforded the only process by which young officers obtained promotion; and nothing could be worse than that promotion should be left to take place entirely by seniority. He had so frequently urged the doing away of the

Sir John Hay

Britannia and the establishment of a college on shore, that he was greatly pleased to find his right hon. Friend had it in contemplation to carry out that proposal. He looked with some regret to the additional number of cadets which had been entered—namely, 55, as against 41 added by his right hon. Friend's predecessor. The only way, in his opinion, to make the Navy content was to diminish the number of officers admitted to the profession, and 55 was a greater number than could be advantageously advanced; and on this point he would suggest that warrant officers might be increased with advantage, and employed in the discharge of duties which now devolved upon the cadets. Then as to the admission of boys, the fact that it was proposed to give each boy a kit worth £5—and the proposal he regarded as an excellent one—showed that the service was unpopular as compared with the estimation in which it was held 20 years ago, when every boy paid for his own kit and a sum of £2 as well for entrance, notwithstanding which payments, there was no lack of boys desirous of joining. It would be a great advantage if there were training-ships for the Mercantile Marine, as thereby boys would be fitted for the naval service if required. He was glad to find that the expenditure upon the Dockyards at Chatham and Portsmouth was coming to an end. It had been a most necessary expenditure, and in view of the fact that Germany had completed six docks for the reception of the ships of her Navy, three at Wilhelmshaven and three at Kiel, which were as complete as those at Chatham, and had arranged a Budget providing for the addition to her new-born Navy of 10 first-class ironclads and 60 cruising ships, it behoved the Admiralty to see that they did not fall behindhand. The arrangements made by his right hon. Friend seemed very satisfactory so far; but he hoped that next year there would be no arrears of shipbuilding such as those mentioned that night. 4,000 tons was a considerable amount of arrears, although it had been exceeded in previous years. When they were told some five or six years ago that at least 16,000 tons of ironclads ought to be added to the Navy in each year, and found that in two years only 4,000 tons had been added, he did not think his right hon. Friend was open to

the taunt that had been levelled at him with reference to the considerable delay which had occurred.

Mr. E. J. REED proposed to say a few words on the general question as to the state of our Navy in relation to the Navies of other Powers, for the purpose of deriving indications of the merits of our policy and of what that policy should be. With regard to unarmoured ships, the indications furnished by foreign Navies were of a most decided character, and he was glad to find that they had been fully recognized by Her Majesty's Government. Those indications were in the direction of great speed in unarmoured vessels. Last year the right hon. and gallant Gentleman who had just spoken protested in that House against the multiplication of small and slow vessels, foreseeing as he did what was now taking place—namely, the existence of many fast unarmoured vessels in foreign Navies. Yet, at the same time, this country had been inclining in an opposite direction, because, as they were told, one of the means which had hitherto existed for obtaining very high speed—namely, size—was to be set aside for reasons of supposed economy; though, in fact, they were reasons of extravagance. Only two vessels were building for speed. They were both to be built at Pembroke, and were to attain a speed of 16 knots. Foreign Governments were building vessels of a similar type, and only the other day he himself saw in Venice a vessel which, if the intentions of the designer were fulfilled, would go 18 knots an hour. That speed was to be produced when required by some peculiar device of which he did not know the secret. He doubted whether such a high speed would be attained as was anticipated; but it was quite possible there might be some superior genius at work in the matter, and it was worth our attention. He should be glad if the First Lord saw his way to advance a little faster one of the two vessels building at Pembroke. We had taken the lead in the production of purely coast-defence vessels with enormously thick armour. Whatever might be said about the sea-going qualities of the *Devastation*, there could be no doubt about her fighting powers. With regard to armour-clad vessels also, there were very notable indications derivable from the practice of Continental nations,

and one of the most striking of these was the production of purely coast-defence ships with enormously thick armour. There was another class of vessel being very much built on the Continent, particularly by one Power—a class of very fast vessel, with a very limited amount of armour at the water line. He referred more especially to the two fast vessels being built by Russia, which were no doubt well known to the right hon. Gentleman opposite. We were building ships with a speed in excess of that of their predecessors, of the *Shannon* class, which might be regarded as a type of fast armoured vessels. There was another class of vessel, heavily armoured and armed, and thoroughly capable of going to sea. The *Inflexible* was a notable and admirable example of that type of ship. The Italians were building two such vessels, and France and other Powers were turning their attention to the same class. What he observed with great regret was, that this ship of the most modern sea-going type was precisely that ironclad of our Navy from which the work had been taken during the past year. The present Estimates showed that whereas the House was encouraged to believe, when last year's Estimates were moved, that there would be a very considerable advance of tonnage—in fact, it had been advanced only one-half of the expected amount. It was deplorable that the sort of services which fell with such constancy upon Portsmouth Dockyard should be performed at the expense of one great modern vessel. He was glad, however, that the right hon. Gentleman proposed to make up for that deficiency, as far as possible, by giving a great degree of advancement to that ship during the present year; and he hoped the right hon. Gentleman's intention would be fulfilled. The total deficiency upon the ironclad shipbuilding for the year in the Dockyards was 1,300 tons, and upon unarmoured vessels a total deficiency of 1,200 tons. With regard to the two armoured ships that were to be laid down, and of which the designs were not prepared, it was to be wished the Committee knew what sort of ships they were to be. The Admiralty was no doubt responsible; but that responsibility ought to be exercised in view of the House of Commons, and not in disregard of it. The dock question was of

great importance. There had been launched this week at Pembroke the *Dreadnought*. From the Land's End to Liverpool there was not a dock capable of receiving either that ship or the *Inflexible*. He purposely left out the Bristol Docks on account of the navigation; but there ought to be a means of docking Her Majesty's vessels on the west coast. The House had adopted the policy that the Government ought to avoid making costly docks, but should encourage private enterprise. Now, docks were being constructed at Milford, and the privilege of using them was offered to the Government for a small amount. He regretted that the Government did not see their way to the acceptance of this proposal. If a better place than Milford could be found, he would not find fault; but it was impolitic to build ships 200 miles away, and to have no dock in case of war along the whole west coast into which Her Majesty's Ships could put. He observed that there were three "Chief Constructors" of the Navy. Now, the responsibility for the designing of ships was a very serious one, and the House was entitled to know on whom it ought to be placed. For himself, he certainly did not understand how anybody could be saddled with that responsibility if there were three Chiefs in the same office doing the same work. The falling off in the ironclad shipbuilding at Portsmouth had been attributed in part to the Arctic Expedition. But it was highly unsatisfactory that when money was voted for the Arctic Expedition, the ironclad shipbuilding should suffer at the same time. Then, again, a certain number of men were supposed to complete a certain amount of tonnage; but, although the men had been there, and the money voted, the work had not been done. He thought the Government were to be blamed for continuing to bring forward Estimates based on calculations which always proved to be wrong.

Mr. GOURLEY regretted that the right hon. Gentleman had thought it necessary to ask for increased Estimates for the Navy, and would be glad to know where the men they were asked to vote that evening were stationed, or in what ships they were employed. It was his impression that a large number of men were employed merely at hide-and-seek—officials looking after officials, and

other officials, again, looking after subordinates; and he suggested a great saving might be effected by contracting with private firms more extensively than was now done for the building of our ships. Then as to our Coastguard service, they were asked to spend about £500,000 upon it, though the great object of such a service had long since disappeared. Smuggling was rarely heard of in these days of low tariffs, and what little remained could easily be dealt with by the country police, the water police, and Customs' officers. Yet he saw that they were to spend £25,000 for coastguard houses. He thought, further, that we had a great deal too many Dockyards. We had 16 Dockyards abroad, many of which were obsolete; but all were kept up as in the days when we had a large wooden fleet. The ironclads only carried fuel for four and a-half days; and in case they had a war with America, how were those ships to reach that country? He would suggest the advisability of the Admiralty introducing a regular torpedo system at all the ports and instructing the men of the Naval Reserve in the use of the weapons. Further, he deprecated the construction of any additional ironclads of the type now in existence in the Navy, and urged that the fighting ships of the future would be small, swift vessels, armed with heavy guns.

COLONEL EGERTON LEIGH said, he knew nothing of naval matters and should not attempt to speak upon them. All he wished to urge was that, instead of relying upon the spasmodic action of charity for the provision of lifeboats round our coasts, they should be provided and maintained, where necessary, by the Government out of Imperial funds.

Mr. SHAW - LEFEVRE said, that with regard to the provision of stores for the Navy and the Dockyards he was glad to find that the present authorities at the Admiralty were following the example of their predecessors, to whom they also, in the most candid manner, gave credit for having adopted a sound system. With regard to the sale of disused vessels to shipbreakers, he wished to know by whom the sale was negotiated—and why it was not effected either by public auction or by private tender, following upon public advertisement—the course adopted with advantageous results by the prede-

cessors of the present authorities at the Admiralty. He had long been of opinion that large public Departments could not well discharge the duties of land-owners; and therefore he was glad to find that during the Recess a part of the Greenwich Hospital Estates had been sold for good prices. He should like to hear some explanation respecting the increase of the salaries of the master shipwrights in the Dockyards. He hoped the alteration of title would not affect their position in the Dockyards, and that the late divided authority of the principals would not be re-introduced by the present Government. He was pleased to hear that the Government proposed to abolish the *Britannia* training ship. Its abolition would have taken place two years ago if the late Board had not been occupied with the more important work of establishing a Naval College at Greenwich Hospital. The expense of the *Britannia* was out of proportion to any benefit connected with it. There were many places more preferable for a site than Dartmouth, if the Government had not finally decided upon it. As to the advantage of transferring cadets to a college on shore, he thought there would be little difference of opinion in the Committee. If he rightly understood the First Lord of the Admiralty, he had no intention of commencing the building of any new vessel by contract. The right hon. Gentleman stated last year that, out of 27 ironclads, 14 or 15 were unfit for service in consequence of their boilers being out of repair. [Mr. HUNT: The terms I used were "not effective for the service of the year in the proper sense."] Did the right hon. Gentleman mean that they could not go to sea at all? Some of the vessels of which the right hon. Gentleman spoke were actually included in the service of the year.

Mr. HUNT explained that what he meant by "not effective in the proper sense" was that in case of war the ships in question could only perform a certain amount of work in an inefficient manner.

Mr. SHAW-LEFEVRE: A ship after four or five years' service was not quite so fit as at the commencement of her service. Apart from this, the right hon. Gentleman said four more were added to the list of vessels unfit for service during the past year. But the right hon. Gentleman

must recollect that the late Board had provided for the repair of those four vessels. The late Board always admitted that the boilers of a number of ships required repair; and the only question was whether they should be repaired by a spasmodic effort, or whether the repairs should be spread over a number of years, and the arrangement made was that the repair of 12 vessels should be spread over three years. On the whole, he approved of the general policy outlined by the right hon. Gentleman, though he thought the number of men to be employed in the Dockyards was in excess of the normal amount required. The difference between the policy of the late and the present Board was so insignificant that it was not worth while to make any Party fight against it.

Mr. SAMUDA said, he could not agree with the remark of his hon. Friend who had just sat down that the number of men in these Estimates ought to be taken as more than the normal number of men required. During each of the past 10 years, he believed, with one exception, the programme of the previous year had never been carried out. The right hon. Gentleman the Member for the City of London (Mr. Goschen), when at the head of the Admiralty, stated that 20,000 tons of new shipping was the smallest quantity annually required to meet depreciation and maintain the efficiency previously acquired. But during the last 10 years 20,000 tons had rarely been proposed, and nothing approaching to it had been built in each year on the average. In the present programme, however, it was proposed to build 13,800 tons in the Dockyards and 9,000 tons in private establishments. Consequently, we should get more than the 20,000 tons which were admitted to be the minimum quantity required for the service of the Navy. He thought that more ships should be built in private yards—that would effect a saving in the outlay. He feared that the right hon. Gentleman would hardly be able to fulfil his programme with the number of men he asked for. With respect to the two ships which it was said had been laid down, it was clear, from the fact of only a few men being employed on them, that no progress had been made with them, and no particulars were given to the Com-

mittee respecting them. With regard to the designs for ships, the only way in which ships could, in his opinion, become formidable in action, was to have a large number of them almost of the same pattern. No doubt there was a necessity to have several types of ships in the Royal Navy; but, at the same time, he thought it desirable to have a large repetition of similar vessels of each type, and for cruising ships he preferred the class of the *Alexandra* to that of the *Inflexible*. His hon. Friend (Mr. Reed) said that the *Inflexible* was a sea-going ship of the future; he (Mr. Samuda) was of a different opinion; and with respect to the *Alexandra*, he considered her the finest ship in the service. He wished to impress upon the Admiralty to choose the best types of ships. Some reference had been made to foreign ships which had speed of 17 or 18 knots an hour; but he asserted that that had not been done. He did not at all regret the proposed expenditure on Chatham Dockyard; but it was intended to build only 3,000 tons there during the year, and if the interest on the costs of the extension were taken to represent £60,000 a-year it would be a charge of £20 on every ton of shipping built in the year. This was a serious increase in the cost of building our ships. When the Government, in their transactions with private builders, pressed competition to such an extent, they should recollect, from their own experience at Chatham, what great cost private builders' establishments involved, and if the Government accounts were so kept as to show the cost of corresponding expenses incurred in Dockyards for similar matters, the country would know better than at present how much advantage resulted from employing private enterprise, equally with Dockyards, in the annual additions to the Fleet.

CAPTAIN G. E. PRICE reminded the House that a Naval Power was growing up at our doors—a country determined to have good ships and which had good men to put into them. A struggle with such a Power would be no child's play. He wished particularly to know whether more small coast defence vessels could not be provided, especially gunboats, which exerted a great moral effect in time of war. The Russian gunboats during the last war well protected their shores, while we were now very deficient

in this class of vessel, which in the absence of our Fleet, or in case of its defeat, would be very useful. There ought to be at least 100 of them armed with the heaviest guns. Due weight had not been given to the subject of torpedo vessels, and it was the fact that Germany had built or was building a considerable number of these vessels. With regard to the loading of heavy guns, he had heard that was to be done by means of hydraulic pressure, the muzzle of the gun being depressed. Great care in that case would have to be taken lest, while being loaded, the gun should go off and blow the ship to pieces. The hon. Member for the Tower Hamlets (Mr. Samuda) had stated that 3 per cent would be saved if ships were built by contract in private yards. In his opinion, a very much larger profit than 3 per cent was made by private shipbuilders, and that profit would be saved by building our ships in Her Majesty's Dockyards.

MR. GORST, in reference to Chatham Dockyard, explained that the new works there were not yet available for shipbuilding. A great portion of the extension work was still incomplete, and the part completed was entirely destitute of the machinery and plant necessary for the building of ships. It was now made use of only for the breaking up of old ships. Before the works at Chatham would be available for shipbuilding it would be necessary to make a much larger outlay upon them.

MR. MACGREGOR said, he hoped the First Lord would not take all the advice that had been given him. He had been advised to make a great reduction in the Coastguard service. He (Mr. Macgregor) hoped this would not be done, because if smuggling had been to a great extent abolished, it was due to the efficiency of the Coastguard, who were also extremely useful in cases of shipwreck. He trusted, further, that the right hon. Gentleman would not put torpedoes into the hands of all the Coastguard, and allow them to experiment in all the harbours of the country. The consequences of doing so might be very serious. The suggestion put him in mind of a gentleman of his acquaintance who told him he had discovered a new method of extinguishing fires on shipboard, and asked him for the loan of one of his steamers to ex-

Mr. Samuda

periment upon. He did not feel inclined to agree to this, and in the same way he thought the country would not like to lend the harbours for these torpedo experiments.

MR. BENTINCK confessed to a feeling of disappointment. His opinion agreed with that expressed by others, that this year's Estimates were precisely the same as those of the late Government. That was not satisfactory. He did not think that the Estimates came up to the requirements of the country. We not only required more ships, but we ought to overhaul those which we had. Were a war to arise we should be placed in a position of great difficulty, because we should not have enough of ships, and before we could build as many as we wanted we might be taken at a very great disadvantage. He regretted that it was intended to do away with the *Britannia*, as he thought that boys being trained for the Navy learnt more in six months on board ship than in 12 months on shore. He agreed with the hon. Member for the Tower Hamlets (Mr. Samuda) that we wanted two types of ships; but he should like to know whether we had yet arrived at the right type of ship. As to coasting vessels we were extremely ill-found. Our Army was being re-organized—in other words, it was in a state of disorganization; therefore, a double responsibility rested on his right hon. Friend to look well to the efficiency of the Navy, to whose care the honour, the safety, and welfare of the country were specially intrusted.

MR. HUNT, in reply, said, he had every reason to be satisfied with the way in which his statement had been received generally by the House. It appeared that he had done what his predecessors would have done had they remained in office, with the exception that he had sold ships by private treaty when they would have sold them by public auction and would not have realized so good a price. There was no mystery about it. The gentleman came to him personally and said he could make a good offer if insured a number of ships sufficient to make the business continuous to employ a number of men for a long time. After consultation with the Controller's Department, he was encouraged to send in a formal proposition; it was referred to the Director of Contracts, who communicated with the Controller's Depart-

ment, and after a good deal of negotiation with Mr. Castle, an arrangement was concluded, the terms of which he believed would be considered quite satisfactory. In reply to the hon. Member for Pembroke, he had to say that the "chiefest" of the constructors was the Director of Naval Construction; he used to be called the Chief Naval Architect. No definite decision had been come to with regard to storekeepers; he could not say the abolition of them had been a success. At all events, not in the larger yards; but the question was in abeyance, and he had not any immediate intention of making a change. The duties of the engineer had been more clearly defined. He was subordinate to the Chief Constructor as regards questions of construction generally, but was the highest authority with regard to engineering matters. The despatch vessels were not to be armoured; but they were to be armed; armour was incompatible with their speed. It had been necessary to increase the number of cadets to make up for the discontinuance of a separate navigating class. He had no intention to reduce the Coastguard. Thanking the House for the way in which it had received his statement, he trusted that he should be allowed to take the Vote for the money as well as the Vote for the Men, as there might be no other opportunity of getting the money Vote before the end of the financial year.

Vote agreed to.

(2.) £2,636,162, Wages, Seamen and Marines.

(3.) £2,139 7s. 7d., Greenwich Hospital and School, Excess on Grant for year ended 31st March 1874.

Resolutions to be reported *To-morrow*;
Committee to sit again *To-morrow*.

EPPING FOREST (*re-committed*) BILL.
(*Lord Henry Lennox, Mr. William Henry Smith.*)

[BILL 52.] COMMITTEE.

Order for Committee read.

COLONEL MAKINS said, that the Bill in its former state contained no provision to prevent waste or demolition of property by unauthorized persons, but the Select Committee had inserted what he wished to see in the Bill; and that being so, he should beg leave to withdraw the

clause for the purpose, of which he had given Notice.

Mr. RITCHIE said, there was another improvement in the Bill, and that was the substitution of one year for two for the duration of the powers of the Commission. His constituents felt that the noble Lord (Lord Henry Lennox) had consulted the wishes of those who took an interest in the preservation of the Forest.

Mr. SHAW-LEFEVRE said, he was glad the clause introduced by the hon. and gallant Member opposite had been withdrawn, and thought that the complaints as to lopping had been exaggerated. He was glad also that the suit in the Rolls Court had ended as it did, as the landowners would otherwise have converted the whole Forest into private property.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time *To-morrow*.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

1. *Resolved*, That, towards making good the Supply granted to Her Majesty for the services of the year ending the 31st day of March 1874, the sum of £2,139 7s. 7d. be granted out of the Consolidated Fund of the United Kingdom.

2. *Resolved*, That, towards making good the Supply granted to Her Majesty for the service of the year ending the 31st day of March 1876, the sum of £7,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolutions to be reported *To-morrow* ;
Committee to sit again *To-morrow*.

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (NO. 1) BILL.

On Motion of The LORD ADVOCATE, Bill for confirming a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the parish of Beith, in the county of Ayr, *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 92.]

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (NO. 2) BILL.

On Motion of The LORD ADVOCATE, Bill for confirming a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the barony of Fraserburgh, in the county of Aberdeen, *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 93.]

Colonel Makins

FOREIGN LOANS REGISTRATION (NO. 2) BILL.

On Motion of Mr. H. B. SHERIDAN, Bill to provide for the compulsory Registration of Foreign Loans and the Statutes of Foreign Companies, *ordered* to be brought in by Mr. H. B. SHERIDAN, Mr. CHARLES LEWIS, and Mr. M'LAGAN.

Bill *presented*, and read the first time. [Bill 94.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, 12th March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Superannuation Act (1859) Amendment*
(37); Agricultural Holdings (England) (39).

AGRICULTURAL HOLDINGS (ENGLAND).

BILL PRESENTED. FIRST READING.

THE DUKE OF RICHMOND, on rising to call attention to the law relating to Agricultural Holdings in England, and to present a Bill on that subject, said: My Lords, probably some of your Lordships may have remarked by the Notice Paper circulated this morning that an alteration has been made in the precise terms of the subject which I shall have the honour to bring before you, and that, instead of dealing with the law relating to agricultural holdings generally, the Bill which I shall lay on the Table of the House will apply only to the law relating to agricultural holdings in England. This is not because I wish to evade dealing with the matter as it regards agricultural holdings in Scotland; but there is a difference in the circumstances and laws which prevail in the two countries respectively, and for this reason, while it would not perhaps be quite impossible, it certainly would be very difficult to combine the cases of the two countries in one and the same Bill. While in Scotland, for instance, the lease will only pass to the hereditary descendant of the lessee, in England a lessee's interest will pass to his executors, administrators, or assigns. In Scotland no one can assign a lease without the consent of the lessor; but suppose a

lease there is granted for 19 years, at the expiration of that term, unless notice is given to the tenant, he continues on the same terms by what is termed tacit relocation, until a fresh arrangement is made. Your Lordships will, therefore, understand why we have thought it more advisable not to attempt to legislate for England and Scotland in the same Bill; but I purpose to present before long a Bill to do for Scotland what this measure will do for England, and, as far as possible, to assimilate the laws of the two countries in respect of agricultural holdings. I may, however, observe that what I have to say on this occasion will apply equally well to Scotland as to England. And here, my Lords, I would observe that there is a topic intimately connected with the one on which I am about to address you—I mean the power of limited owners and ecclesiastical corporations and incumbents in respect of the making of leases; but the Acts of Parliament relating to this branch of the subject are so various, and the details connected with it so numerous, that we have found it impossible to master them sufficiently to enable us to include this portion of the subject in the Bill which I shall this evening lay on the Table; but we do purpose, by a separate Bill, to give power to limited owners, ecclesiastical corporations, and incumbents to grant leases, in order that their tenants may be put in the same position as that held by the tenants of other owners. My Lords, I am sure I need not apologize for bringing this subject under your Lordships' consideration. It is in the highest degree important, because it has a very close connection with the production of food for the consuming millions of this country. It has a great importance and interest for your Lordships and all other landowners; it is obvious that it has not less importance and interest for those who cultivate the soil, and all with whom landowners are brought into intimate relations; and if it is important and interesting to those two classes, it is not of less moment to the community at large, who, as consumers, must be exceedingly desirous that the producing power of the agricultural districts of the country should be brought to such a pitch that it will go as close as it can possibly be made to go towards meeting the requirements of the country. My

Lords, this is not a new subject. It is one which has long occupied much attention out-of-doors. At almost every agricultural meeting held for some time past it has been the theme of discussion—and not recently for the first time—because some years ago it was the topic of speeches and inquiries. I am not going to weary your Lordships by taking you very far back; but I think it will be necessary to ask you to bear with me while I refer you to something which occurred in 1848, when the subject was brought more particularly and distinctly under the notice of the other House of Parliament by a Gentleman as competent to give an opinion on it as any one who could have been named—Mr. Philip Pusey, the Member for Berkshire, and Chairman of the General Committee of the Royal Agricultural Society. He endeavoured to deal with the subject in the manner he thought best; and in doing so he was assisted by the late Mr. Evelyn Denison, the Member for Nottinghamshire, a practical agriculturalist of great knowledge and experience. On the Motion of Mr. Pusey, a Select Committee was appointed—

“To inquire into the law and custom of different parts of England and Wales as between outgoing and incoming tenants, and also as between landlord and tenant, in reference to unexhausted improvements or deterioration of land and premises occupied for agricultural purposes.”

When I read the names of the Gentlemen who served on that Committee, which was presided over by Mr. Pusey himself, I am sure your Lordships will be of opinion that a better selection could not have been made, comprising, as the Committee did, men of all shades of political opinion, who came from all the various parts of the Kingdom, and who possessed a personal knowledge of the subject which they were called upon to consider. My Lords, on that Committee were Mr. Pusey, Mr. Newdegate, Mr. Stafford, Mr. Evelyn Denison, Mr. Egerton Tatton, the Earl of Arundel and Surrey, Mr. Henley, Mr. Bouverie, Sir Charles Lemon, Mr. Moody, Mr. Sotherton, Mr. Colville, Mr. Burroughes, Sir John Trollope, and Mr. Hayter. My Lords, that Committee sat for three months and examined something like 52 witnesses; and the general tenour of the evidence of those witnesses was to show

that what was the complaint then is the complaint now. The complaint is, that there is insecurity to the tenant for the capital he has invested in the soil, which insecurity prevents the tenant from investing as large an amount for agricultural purposes as he otherwise would, and which therefore results in the producing power of the country not being brought up to the pitch to which it might be raised if the tenant had security for that capital. So much was the want felt in what is called "high farming," that it became necessary where this description of farming was desired, to provide some security for the capital invested in the soil by the tenant; and consequently "customs" grew up. And, my Lords, no doubt, custom is important in considering this case and in arriving at a conclusion as to what we ought to do. It is not my intention to go through the list of all the customs that exist in this country with reference to these matters. To do so, even if my lungs did not fail me in the task, would occupy a longer time than I should venture to trespass on your Lordships, and than, probably, your Lordships would be inclined to grant me; but it may be taken generally that, in respect of compensation, customs attach to the preparation of the soil for crops by tillage, to the hay and straw and dung left on the farm, and to growing underwood. In some places the customs are very good. In Lincolnshire the custom is about as good a custom as any one would wish to live under. I have had the Lincolnshire custom before me in preparing the Bill, and I should have liked to embody it in the measure, but I found it impossible to do so, as it would have made it in some respects imperfect. In the part of the county in which I live the customs are rather loose; but in the north-east part of the county, towards Surrey and Kent, they are extremely onerous on the incoming tenant, putting him in pecuniary difficulties at a time when he wants as large a command of capital as possible. On one occasion a friend of mine took a farm in that part of the county and found himself charged, according to custom, with 19 harrowings for one field. He went to his lawyer, but was told that there was no other course for him but to pay it. I was told of another case, in which an incoming tenant was charged

£200 for a remarkably bad field of turnips. Your Lordships, at a later period, will see how by this Bill we propose to get rid of bad customs; but I may at once indicate it, by saying that a man will not be able to claim both under custom and under this Bill. Before the Committee of the House of Commons it was stated that, in many cases, customs led to fraud by the outgoing tenant taking up manuring before giving up his holding. The first paragraph in the Report sets out:—

"That different usages have long prevailed in different counties and districts of the country, conferring a claim to remuneration on an outgoing agricultural tenant for various operations of husbandry, the ordinary return of which he is precluded from receiving by the termination of his tenancy. That this claim, which is called 'Tenant-Right,' ordinarily extends to one or more of the following objects:—To the crop which the outgoing tenant has sown and leaves in the ground; to remuneration for the preparation of the soil for crops by tillage, for the straw, hay, and dung left on the farm, and for growing underwood. That these local usages are imported into leases or agreements for the letting and occupation of land between landlord and tenant, who are presumed to contract with reference to such usages, unless the terms of the agreement, expressly or by implication, negative such a presumption. That in some parts of the country a modern usage has sprung up, which confers a right on the outgoing tenant to be reimbursed certain expenses incurred by him in cultivation other than those of the ordinary husbandry, above referred to. That among such expenses are included, the purchase of food for stock, the purchase of certain kinds of manure, and the draining, chalking, and marling of the soil; the result of all which outlays is to effect an improvement of the soil, more or less lasting, and requiring more or less time to elapse before the increased productiveness thereby obtained, re-imburses the expenditure incurred. That, except in the districts where this usage prevails, unless by express stipulation, the outgoing tenant cannot claim compensation for any of these improvements, however short may be the time between their completion and the termination of his occupancy."

I think, my Lords, that is a state of things which does require a remedy; because it amounts to this, that as the law now stands—in many places there being no custom—the tenant may put his capital in the soil, and so increase the value of the soil, the benefit of which is unexhausted at the termination of his tenancy, and yet reap no benefit whatever from the investment of his money, but the whole goes into the pocket of his landlord. I think that is a state of matters which is not at all satisfactory,

and that the Committee were perfectly right in the opinion stated by them at the close of the passage which I have just quoted from their Report. In another part of their Report the Committee, after referring to certain customs of compensation, state—

“That this wider system of compensation to the outgoing tenant seems to be highly beneficial to agriculture, to the landlord, and to the farmer; to lead to a great increase in the productiveness of the soil and to extended employment of the rural population. That the benefit arising from this system appears to be gradually becoming more extensively known and appreciated, and the system itself seems to be finding its way into other districts than those where it has hitherto been in force. That the improvements above-mentioned, which are very generally required throughout the country in order to develop the full powers of the soil, are greatly promoted by this system of compensation, and therefore it is highly important that all difficulties should be removed which stand in the way of its extension by the voluntary act of landlord and tenants. That any attempt to make its general introduction compulsory would be met by great practical difficulties, and your Committee rely for the general and successful adoption of the system on mutual arrangements between landlords and tenants. That it seems very desirable to your Committee that estates under settlement should be endowed with every practicable privilege for their advantage which is attached to absolute property, and that persons having limited estates, in addition to the ordinary leasing powers generally conferred on them, should be enabled, under proper precautions, to enter into stipulations of the nature of those above referred to, which at present it appears they cannot do. That the power to enter into such stipulations, binding on subsequent interests, might be advantageously made a general incident to leasing powers of land in settlement, by the aid of Parliament; and also be conferred on persons having certain limited interests in land.”

Your Lordships will perceive that the Committee did not recommend at that time that there should be any compulsory legislation on the subject. They proposed to leave it to such general agreement as might be come to between the landlord and the tenant. They point out the great difficulty existing as to settled estates, in the case of which limited owners have no power to charge the estate with compensation. They may agree with the tenant to pay him money for improvements; but if the limited owner should die before the compensation comes to be paid, the charge is merely one on his personal estate, which of course makes the security much less than it would be if the compensation

were a charge on the estate. Among the witnesses examined by the Committee was Mr. Wren Hoskyns, and certain opinions given by him are worthy of your Lordships' attention. In the notes of his examination in this passage—

“To take another case: if a landlord in Leicestershire signed an agreement to give five years' compensation for lime, the custom of the country being only for one year, would he be safe as to his personal representative after his decease in so enlarging the existing custom?—I think that it would not charge the estate; the claim would be against his personal representatives. So that if the landlord, desirous of improving his property, were to sign those agreements to a large extent, and the property were to descend to the minor, a distant relative, the guardians of that minor would, in your opinion, not be justified in paying that compensation to the tenants out of the income of the minor?—I think not, as claimed of right. Therefore their legal course would be to throw the claim upon the legatees of the deceased landlord?—Upon the personal representatives. The personal representatives of the deceased landlord?—Yes.”

My Lords, I doubt whether any one in this House will say that is a condition of things that ought to be allowed to continue longer. I think public opinion has been sufficiently roused and that Parliament is now competent to deal with it. After 25 years of agitation this matter has been amply digested, and the feeling now is in favour of legislation. No doubt the subject is a difficult one; but at the same time when we look to the increase of the population of the country, it will be seen that it is necessary to do something. According to the Census Returns in 1851 the population of England and Wales was then 18,054,170; in 1871 it was 22,712,266, showing an increase of 4,658,096 between the two periods. At the former period of 37,324,915 acres of land, 24,905,758 were cultivated. Of course, the total acreage was about the same in 1871, but the cultivated portion was 26,322,477, showing an increase of only about 1,000,000 acres. So that the increase of the population has gone on much faster than the increase in the acreage of cultivated land. My Lords, under these circumstances the Government have thought that a measure should be brought in to secure to the tenant the capital he has invested in the soil. I myself am much in favour of leases. Though I know that is not the common feeling South of the Tweed, I propose in this Bill to deal with yearly tenancies

and also with leases. Of course, it is open to any owner of land to grant leases or not as he may think fit, but I am in favour of granting leases. I think that where you give a lease you are almost certain of a good tenant, and any one who has got a good tenant will not want to get rid of him. It is a great mistake to suppose that a landlord wants to change his tenant if he is a good tenant. I never in my experience knew an instance in which the landlord did not lose money by a change of tenant. Therefore on a selfish ground, if not on any higher principle, I like leases. My view is that where a lease is granted there is security—to the holder for his improvements—that is for his unexhausted improvements—and in my view it is a satisfactory arrangement between landlord and tenants. I have heard it stated that leases are objectionable, and especially leases which are put up to auction. Well, I think putting them up to auction is objectionable, for though you get the highest bidder you may probably get the worse farmer. The highest bidder is, perhaps, a man who does not look very far ahead—all he would want would be to get upon your farm, and he would chance whether he would have a good or bad time. I repeat that, to my idea, the best arrangement for both parties is a lease on fair terms; and I believe that if this were offered tenants would accept it in 99 cases out of 100. No doubt the general rule of English tenancies is a holding from year to year, with six months notice to terminate the tenancy. Tenancies at will are seldom found to exist now in respect of land. They are tenancies in which either party gives the other 24 hours' notice; that being the difference between tenancies from year to year and tenancies at will. My Lords, the principle of the Bill which I intend to lay before your Lordships is that where the tenant on his holding makes improvements of a certain kind, which I shall specify, he shall be entitled to compensation in the manner which I will describe to your Lordships. I am very unwilling to enter too much into details; but I am afraid I must do so, my object being that before I sit down your Lordships should understand everything in the Bill. I propose that the improvements shall be divided into three classes—

FIRST CLASS.

Drainage of land.	Making or protecting of fences.
Erection or enlargement of buildings.	Planting of orchards.
Making of gardens.	Reclamation of waste land.
Making or improving of roads or bridges.	Warping of land.
Making or improving of watercourses, ponds, wells, or reservoirs.	

SECOND CLASS.

Boning of pasture land with undissolved bones.	Claying of land.
Chalking of land.	Liming of land.
Clay-burning.	Marling of land.
	Planting of hops.

THIRD CLASS.

Application to land of purchased artificial or other manure.	Consumption by cattle, sheep, or pigs of corn, cake, or other feeding stuff.
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My Lords, for so much of those improvements the tenant shall be entitled to compensation under the Act and subject to its conditions on the termination of his tenancy by reason of effluxion of time or for any other cause—that is for so much of them as is unexhausted. I propose that as regards the first class no claim is to be allowed unless the improvement has been made within 20 years before termination of tenancy, and with the previous consent in writing of landlord. As regards the second class, no claim to be good unless the improvement has been made within seven years; and as regards the third class, no claim to be good unless it has been made within two years. There is to be some check to prevent unfair outlay on artificial manure towards the end of the tenancy. Your Lordships will observe that the second and third classes of improvement may be made without the consent of the landlord in writing—such consent is required only in the case of the first class. I propose that the tenant should be compensated in this way. The amount of compensation to be a capital sum representing the unexhausted addition—as at the termination of the tenancy—made by the improvement to the letting value of the holding. The amount of the tenant's compensation shall be subject to the following deductions:—(1.) For taxes, rates, and tithe-rentcharge due or

becoming due in respect of the holding to which the tenant is liable as between him and the landlord: (2.) For rent due or becoming due in respect of the holding: (3.) For the landlord's compensation under this Act in respect of waste. And in the ascertainment of the amount, there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the improvement. On the other hand, when a tenant commits waste, diminishing the letting value of the holding, the landlord will be entitled to receive, on the determination of the tenancy, compensation in respect of the "waste," and I propose that the following acts and things shall be deemed waste diminishing the letting value of the holding:— Breaking up of old grass without the written consent of the landlord; causing or permitting of land to be foul or neglected; damage to plantations, coppices, or timber included in the holding; loss of manure by hay, straw, roots, or green crops removed off the holding without the written consent of the landlord; loss of manure not returned to the holding in lieu of produce sold off subject to the manure being brought back; mowing of meadows, other than water-meadows, without manuring; mowing of old pasture; neglect of drains, out-falls, or water-courses; neglect of gates or fences; neglect of ordinary repairs of buildings for which the tenant is liable; neglect of roads; over-cropping by the taking of too many successive white-straw crops; over-cropping without manuring; but nothing in the Act shall prevent any act or thing not specified in this section from being deemed waste diminishing the letting value of the holding. All these things are to be regarded as "waste," and are to be matters of set-off on the part of the landlord as against the tenant's claim for compensation; and the amount is to be a capital sum representing so much of the diminution of the letting value as continues at the termination of the tenancy. Now, my Lords, as to procedure. This is the mode in which I propose that the arrangements between landlord and tenant are to be carried out under this Bill. Notices of claims are to be given by tenant or landlord to the other of them three months before the end of the tenancy. The landlord and tenant may

agree on the amount and mode and time of payment of the compensation. Of course, if both parties agree, there is an end of the matter. In case they do not so agree, the difference is to be settled by a reference. Both parties may agree to appoint a single referee. If they cannot agree upon such a referee, each appoints a referee, and the referees appoint an umpire. If they cannot agree, I propose to give the selection of the umpire to the Judge of the County Court. In such cases I think he would be a very competent person to make the selection. The amount agreed to or awarded, as the case may be, will be recoverable by summary process. I propose that there should be an appeal in cases where the amount of compensation is £100 or over; but that there should be no appeal where the sum awarded is less than £100. One must fix some limit, or otherwise there would be vexatious claims which would put the parties to considerable inconvenience. You want to give the tenant security for the compensation to which he is entitled. I propose, therefore, that a landlord, on paying compensation to a tenant, may apply to the County Court for a charge on the holding in respect of the amount so paid.

VISCOUNT HALIFAX: To what tribunal is the appeal, where an appeal is given?

THE DUKE OF RICHMOND: To the County Court Judge. If the owner is an absolute owner, of course he can charge the property for any time he pleases; but in case of limited owners, where the Court is satisfied that compensation has been properly paid in respect of something that will add to the letting value of the farm, I propose that he may make the amount so paid a charge on the estate for 20, seven, or two years from the time the improvement was executed, according to the class of the improvement. These terms are proposed, because in the case of improvements of the first class, the claim for compensation must be made within 20 years from the time of the execution of the improvement; in the case of the second class, it must be made within seven years; and in the case of the third class within two years; or, in other words, the improvements, according to their respective classes, must have been made within those limits of years

previously to the termination of the tenancy. The instalments payable out of the estate in discharge of the compensation shall be charged in favour of the landlord, his executors, administrators, and assigns; and, my Lords, for the purposes of this Bill, the title "landlords" is to mean the person entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy. It follows, therefore, that the limited owner is brought within the four corners of this Bill, and that any compensation which he shall have to pay the tenant will be legally chargeable on the land. With regard to leasing power to limited owners, that, as I have already intimated to your Lordships, will form the subject of another Bill. As to notices to quit, under the present system, in the case of yearly tenancies, the notice is half-a-year. I propose that in future that the notice shall be increased by half-a-year—that is, that there shall be a year's notice to quit in the case of a farm. The Bill contains a provision with respect to the taking of land for cottages and gardens; but with the details of this I need not trouble your Lordships. Existing leases are excluded from the operation of the Bill; but as it is perfectly clear that some machinery is necessary in order to bring it into operation as regards yearly tenancies—for otherwise that provision would be a dead letter—I propose that the Act should come into operation within three months from January, 1876; and unless within two months of that time either party—the landlord or the tenant—intimates that he does not intend to come under the Act, it will come in force as regards all yearly holdings. There is one other point. We do not propose to interfere with freedom of contract. I think your Lordships will see the force of this. If the Bill is wanted at all, it certainly is not wanted for small men, because they have no capital wherewith to make improvements on the land—they have nothing to put in the soil. But we are told that there are men of means and intelligence who desire to put capital in the soil for the purpose of increasing its productive powers, and my knowledge of that class of farmers certainly leads me to believe that, as a rule, they are perfectly competent to enter into agreements with their land-

The Duke of Richmond

lords if they are assured compensation for unexhausted improvements. For that reason I should be one of the last to interfere with freedom of contract. On the contrary, I think it should be maintained; and hence it will not be affected by this Bill. My Lords, I am not vain enough to think that this Bill will satisfy every one; but I think it ought to satisfy every moderate and reasonable man; for while, on the one hand, it gives to the tenant that protection to which he is entitled, on the other hand it does not invade those rights of the landlord which in this country have always been held sacred. My Lords, I beg to move that the Bill be read a first time.

EARL GRANVILLE: When does the noble Duke propose to take the second reading?

THE DUKE OF RICHMOND: As to that, I am quite in the hands of your Lordships. My object is not to press the Bill on unduly, and of course I should not think of moving the second reading till after Easter.

LORD REDESDALE: As to the power of appeal, why should you limit it to cases in which the compensation will be £100 or over, and in which the tenant holds, perhaps, 500 acres? Why should not the tenant with 20 acres have an appeal?

THE DUKE OF RICHMOND: Because the man with 20 acres would never lay out a shilling that would entitle him to compensation.

LORD REDESDALE: But he might; and suppose he did? I think the noble Duke ought to reconsider that point.

Motion agreed to; Bill for amending the Law relating to Agricultural Holdings in England, *presented* by the Lord President; read 1st; and to be *printed*. (No. 39.)

House adjourned at quarter past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 12th March, 1875.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [March 11] reported.

WAYS AND MEANS—considered in Committee—Resolutions [March 11] reported.

PUBLIC BILLS — Ordered — First Reading —
 Marine Mutiny* ; (£7,000,000) Consolidated Fund* ; Bishopric of Saint Albans* [95].
Second Reading—Public Health (Scotland) Provisional Order Confirmation (Nos. 1 and 2)* [92-93] ; Municipal Elections [63] ; Foreign Loans Registration (No. 2) [94], *debate adjourned*.
Committee—Report—(£880,522 1s. 4d.) Consolidated Fund* ; East India Home Government (Pensions)* [74].
Third Reading—Epping Forest* [87].

LUNATIC PAUPERS (ENGLAND)— GRANTS IN AID.—QUESTION.

CAPTAIN MILNE HOME asked Mr. Chancellor of the Exchequer, If he contemplates extending to England the same relief granted for the maintenance of lunatic paupers in lunatic wards of workhouses, as has been recently promised for similar cases in Scotland?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that it was not quite correct to speak of a provision having been "promised for similar cases in Scotland." There was no similarity between the cases in the two countries. In Scotland the cases were under the direct control of the Commissioners of Lunacy, which was not the case in England. He could not, therefore, undertake to extend the same regulations to the two countries.

EARLY CLOSING ACT, 1864— TEMPERANCE HOTELS.

QUESTION.

MR. WILSON asked the Secretary of State for the Home Department, Whether his attention has been called to the case of George Calvert, Temperance Hotel, Gainsborough, who was recently fined £2 and costs for keeping his house open for the sale of coffee after public-houses were closed; and, whether, if such a fine be legal, any alteration will be proposed in the Law?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the case referred to. The house was one which, if it had been in London, under the old Early Closing Act of 1864, would have been compelled to close at 1 o'clock, and it therefore now came under the general law of the country in reference to houses in which drink might be consumed, though not sold. He had no present intention to alter the law, which had on the whole worked beneficially.

CRIMINAL LAW—PICKING STICKS.

QUESTION.

MR. ANDERSON asked the Secretary of State for the Home Department, If his attention has been called to a decision alleged to have been given at St. Martin's, Stamford, Petty Sessions, by which a number of indigent women were sentenced to a fine of 30s. each, with the alternative of a month's imprisonment, with hard labour, for gathering sticks in Cliffe Forest, the damage amounting to 6d.; and, if he has seen cause for interference to prevent the carrying out of the sentence?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to the matter by his hon. and learned Friend the Member for Cambridgeshire (Mr. Rodwell), and upon making inquiries he found that nine women, some of them old offenders, were not taken up for gathering sticks, but practically for breaking down the underwood and selling it. He considered that the justices were quite right in the principle of their decision, for it was quite necessary to put a stop to such a practice; but, at the same time, in his opinion, the punishment inflicted was decidedly too severe, and therefore he had ordered the greater portion of the penalty to be remitted, and the persons to be discharged from custody.

NAVY—PAY OF ENGINEER OFFICERS

QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether the condition of the Engineer Officers of the Royal Navy, particularly as regards pay, promotion, and retirement, has been considered by the Admiralty; and, whether any and what measures it is proposed to adopt for improving their condition?

MR. HUNT, in reply, said, the condition of the engineer officers of the Royal Navy was under consideration; but he was unable at present to say what determination would be arrived at.

ARMY—DIPHTHERIA AT WOOLWICH.

QUESTION.

MR. SHERRIFF asked the Secretary of State for War, Whether his attention has been directed to an article in "The Daily News" of the 11th instant, entitled "The Diphtheria Hospital on Woolwich Common;" and, whether

the allegations made in such article are substantially correct; and, if so, what action is intended to be taken in the matter?

MR. GATHORNE HARDY: Mr. Speaker, the Question which the hon. Member has put to me would be repeated, I see, on Monday, with some more particulars, I think, and I have therefore endeavoured to obtain the information sought by the hon. Member, and also by the hon. Member for Glasgow (Mr. Anderson) at the earliest possible opportunity. The first outbreak of diphtheria at Woolwich began in November, and it was not apparently confined merely to those cottages, but existed even in others in quite another part of the town in a very bad form. I think there were some 8 or 10 cases in Woolwich town itself, nearly all of which were fatal; in those cottages there were, I think, 35 cases, of which only 15 were fatal, so that the proportion was larger in the town than in the country. In the Cambridge cottages there was only one case; but they are very much improved buildings, not on the same common, and some considerable distance from those now in question. These cottages appear to have been built about the beginning of the century, without any due regard to the drainage or to the effect of the proper construction of such buildings. When the first outbreak took place, I directed the Army Sanitary Commission to make inquiries about these cottages, and they recommended a certain number of remedial alterations, such as throwing two rooms into one, draining, cementing the walls, and other things of that sort. Those operations do not appear to have been sufficient to stop the progress of this very severe disease. In consequence of diphtheria having recently broken out again within the last few days, and there being several cases, and in consequence also of my attention having been called to the article in question, I made further inquiries, and directed that the Sanitary Commissioners should again go to Woolwich and personally examine these cottages. They have been there this morning, and their Report is certainly not at all favourable. One of the Commissioners, whom I have seen, says that the article is, to a certain extent, exaggerated in the description, but that these cottages are, no doubt, most un-

Mr. Sherriff

satisfactory; and, on the whole, they do not recommend that any further progress should be made with those remedial works at first proposed. I intend, therefore, as early as possible—certainly within a week—to remove the brigade depôts of the 49th and 50th from Woolwich to Warley. These latter barracks were meant for the training of the Militia; but in a pressure of this kind, it is better to find room in them for these unfortunate families which have suffered so much distress. I propose, therefore, to remove them to Warley till the barracks are built at Hounslow, and we shall so get accommodation for the whole of these families. Part of these barracks is already occupied by soldiers. I believe the construction of them is very good, and apartments will be at once properly prepared for these families. It will probably be done within a week, and it shall certainly be done as quickly as possible, because the time has come when some very strong measures should be taken to remove these poor people. I may add that they would have been removed to Woolwich, but the disease existed in the town itself, and the dread of it made it impossible to obtain lodgings to which they could be removed with any advantage to themselves.

MERCHANT SHIPPING ACTS AMENDMENT BILL—THE LIABILITY CLAUSE.

QUESTION.

LORD ESLINGTON asked the President of the Board of Trade, now that the Easter Recess will intervene before the Second Reading of the Merchant Shipping Bill, if he will inform the House whether the Government have any intention of modifying Clause 41 (the Liability Clause) of that Bill?

SIR CHARLES ADDERLEY: Sir, the Government intend to modify Clause 41 of the Merchant Shipping Bill referred to by the noble Lord as the Liability Clause. They propose to substitute for the provision extending the unlimited liability of a shipowner, a provision preventing a shipowner from contracting himself out of his existing liability for damage caused by unseaworthiness.

ARMY—MILITIA ADJUTANTS.

QUESTION.

MR. MUNTZ asked the Secretary of State for War, supposing the Adjutants

of Militia did not take the retiring allowance before the 1st July, What retiring allowance, if any, will be granted to them?

MR. GATHORNE HARDY, in reply, said, that the time which was proposed, and which was to be limited, was to give an opportunity for adjutants of Militia to choose whether they would accept the retiring allowance offered them, and go or remain, subject to the retiring allowances that existed at present, and subject also to the new conditions to be imposed on them under the new Brigade Depot system.

FREE LIBRARIES.—QUESTION.

MR. WHEELHOUSE asked the Secretary to the Treasury, If he can and will make arrangements to have the Public Free Library at Leeds included in the list, if any, of institutions to which the following, or any similar works, are sent gratuitously; the Books and Papers periodically issued by or in connection with the Trigonometrical Survey of Great Britain and Ireland; Commercial Reports from Secretaries of Embassies Abroad; Reports and Tables issued by the Board of Trade; the Census Returns for 1871; and, any Blue Books or Minutes of Evidence issued by Parliament, of which there may be spare copies, otherwise useless?

MR. W. H. SMITH, in reply, said, there were no free libraries or other institutions to which Parliamentary publications were forwarded gratuitously, nor was he prepared to recommend the adoption of such a system. Those documents were published at a price which little more than covered the cost of the paper on which they were printed, and it was perfectly open to any gentleman who took an interest in institutions similar to the Free Library at Leeds, referred to by the hon. Member for the borough, to select and forward to them such Parliamentary Papers as he thought they needed.

PARLIAMENT—BUSINESS OF THE HOUSE — THE PEACE PRESERVATION (IRELAND) BILL.—QUESTION.

THE MARQUESS OF HARTINGTON: Sir, I wish to put a Question to the right hon. Gentleman the First Lord of the Treasury with respect to a statement which he made last night relative to some important Public Business, and as

to which some misapprehension seems to exist. I wish to ask, Whether, in the event—possibly not very probable—of the Second Reading of the Peace Preservation (Ireland) Bill being taken on Monday week, it is his intention to propose that the House should meet on the following Thursday; and, if so, what business will be taken on that day?

MR. DISRAELI: Sir, I understand the noble Lord to assume that the second reading of the Peace Preservation (Ireland) Bill may take place on Monday, and in that case he wishes to know what business we contemplate taking on Thursday.

THE MARQUESS OF HARTINGTON: Yes.

MR. DISRAELI: Then we may have the Friendly Societies Bill.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CONSOLIDATION OF THE STATUTES.

RESOLUTIONS.

MR. RATHBONE, in rising to call the attention of the House to the inconvenience resulting from the existence, in many cases, of numerous and undigested Acts relating to the same subjects, and to the expediency of making better provision for the consolidation from time to time of such Acts, and to move the following Resolutions:—

"(1) That it is expedient that when any new Act is passed amending or incorporating any former Acts (other than General Clauses Acts) the new Act and the former Acts should be printed for the House so soon as may be, in such form as to show what parts of the said Acts respectively are in force: (2.) That it is expedient that when any new Act is passed materially amending any former Acts relating wholly or partly to the same subject-matter, a Bill should be introduced by Her Majesty's Government in the next Session of Parliament, or so soon after as conveniently may be, for consolidating into one Act so much of the said several Acts respectively as relates to the same subject-matter: (3.) That it is expedient that when a Consolidation Bill is introduced into this House it should be referred to a Select Committee, who shall report how far the Bill differs in effect from the Acts or parts of Acts proposed to be consolidated, and that no amendment should be allowed to be offered upon any part of the Bill which, according to the report of the Select Committee, does not differ as aforesaid, except such amend-

ments as may be consequential upon alterations made in other parts of the Bill."

said, although it was true that a Committee had been appointed that week to consider the subject, they had so often been disappointed by the results of Committees instructed to consider schemes for the improvement of the mode of conducting the Business of the House, which had now largely outgrown its forms, that he had felt it his duty to submit the Resolutions of which he had given Notice, and by which he hoped a remedy might be supplied for at least some of the inconvenience at present experienced. The present was a time peculiarly fitted for the business of consolidation, inasmuch as there was no great public measure to which the House was obliged to devote a large portion of its time. Persons who wanted to know their rights and duties as defined by the most recent legislation had the utmost difficulty in doing so, inasmuch as that legislation was to be taken in conjunction with former Acts. Indeed, he might say that few laymen, and sometimes not even a lawyer, could understand referential legislation—that was to say, Acts of Parliament which incorporated, by mere reference to them, other Acts or parts of them, and some of which were obsolete and others actually repealed. What he proposed was a work in the character of an editing or publishing of the Acts; and no men of business or lawyers would doubt its great practicability and usefulness. The Local Government Board Act, for instance, enumerated no fewer than 30 Acts, and the Factory and Workshops Act 16. As to the Poor Law Act, it would be dangerous to say how many Acts were not included. Chitty specified 100 Acts dating from the time of Elizabeth down to 1874, and then there were the Licensing Acts and other Acts that were in the same unsatisfactory state. He would also mention the Master and Servant Act, which dealt with a subject on which it was essential to the interests of employers and those whom they employed that the law should be a model of clearness. Digests of the statute law had been attempted, but accurate digests would be impossible until they had so far modified the law as to remove its inconsistencies. He thought it ought to be within the capacity of that House to work his Resolutions, and to publish

from time to time revised and corrected editions of the Statute Book. What he practically wished to propose was, that a standing Committee of the most experienced Members of that House should be appointed, to whom all Consolidation Bills should be referred; and as it would be necessary for such a Committee to have the best legal advice, it would be most wasteful and unwise economy to hesitate to secure as the adviser of such Committee one of the very first lawyers who could be found not already on the Bench. This arrangement would give far more time for the consideration of the new matter submitted. The Committee would report how far the Bill differed in effect from the Acts proposed to be consolidated, and his suggestion was, that no amendment should be allowed which according to the Report of the Select Committee did not so differ, except such amendments as might be consequential upon alterations made in other parts of the Bill. It had been almost invariably found that when they attempted to consolidate any great mass of law there were Courts which were inconsistent with other Courts, and many things, especially in the old laws, were altogether obsolete; and, therefore, it was hardly possible to bring in a Consolidation Bill which had not in it some small portion of new matter. His proposal would not interfere with the right of Members of that House to introduce fresh legislation, but would only rule that the opportunity of so doing should not be taken on the introduction of a Consolidation Law, and that it should be done in a separate Bill. Hon. Members would lose little by such an arrangement, because until some such scheme was adopted by the House there would be rare opportunities of introducing Consolidation Bills at all. He thought that the Resolutions, if adopted, would provide a simple remedy for a great and increasing evil; would remove many contradictions, inconsistencies, and incoherences in our legislation, diminish the bulk of that legislation, and make it more clear and understandable, and thus allay the discontent that prevailed, not only among the public, but also among the legal profession, as to the unsatisfactory state of our Statute Book. In conclusion, the hon. Member moved the first of the Resolutions of which he had given Notice.

Mr. Rathbone

MR. ARTHUR MILLS, in seconding the Motion, said, he believed that the hon. Member for Liverpool (Mr. Rathbone) asked the attention of the House to a subject which was well worthy of its consideration. The matter had been thoroughly thrashed out for the last 20 years; first by the Royal Commission on Statute Law Revision which was appointed in 1856, and then by a Select Committee which sat in 1868. The Commission and the Committee had both reported, Departmental memoranda had been issued, and the House had also been enlightened on this subject by the opinion of Parliamentary draftsmen and other distinguished officers who had given their time and thought to it. In an article in *The Quarterly Review*, attributed to the Parliamentary draftsman, it was truly said that—

“Parliament will not consent to the passing, without complete discussion and investigation, of Consolidating Bills containing new and disputable matter mixed up with old law.”

It was, therefore, of the highest importance to devise some tribunal, Parliamentary or ex-Parliamentary, which should have the power of eliminating from Consolidation Bills all matters which were in dispute, for thus the cause which at present prevented the introduction of such Bills might be mitigated, if not altogether removed. Hon. Members now avoided Consolidation Bills, because they knew that questions which had already been thoroughly “thrashed out” might again give rise to protracted discussions. He did not say that the proposal of the hon. Member for Liverpool was one which the House was bound to adopt, although it involved the principle of the very tribunal he referred to, as being required to correct an evil, to which the Judges had over and over again called attention, as they had also done to the mischief which resulted from the confused way in which the law was now consolidated. He admitted that the blame with regard to the language of our legislation was not to be thrown altogether upon the Parliamentary draftsman, and that it rested to some extent with Parliament itself for not taking measures with the view of remedying the existing state of things. He trusted that if the Government should not see fit to agree to the Resolutions which

had been submitted to the House, they would take care that the matter formed part of the reference to the Select Committee which the Attorney General had given Notice of his intention to bring forward.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “it is expedient that when any new Act is passed amending or incorporating any former Acts (other than General Clauses Acts) the new Act and the former Acts should be reprinted for the House so soon as may be, in such form as to show what parts of the said Acts respectively are in force,”—(*Mr. Rathbone*),

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE ATTORNEY GENERAL remarked that on Friday last the House resolved to consider whether any means could be adopted to improve the manner and language of Acts of Parliament, and it would be his duty on Monday next to move the appointment of the Members of the Committee on that subject. The name of his hon. Friend the Member for Liverpool (Mr. Rathbone) would be on that Committee. This was a subject which could not with advantage be discussed in detail in a full House—at any rate, not until it had undergone a greater amount of investigation than it had at present received, either by the Royal Commission of 1856 or the Select Committee of 1868. The Resolutions pointed to two things—one, the Amending Bill, and the other the Consolidation Bill. With regard to the last, the consolidation of Acts of Parliament had been under the serious consideration of the Government for some time past. A correspondence upon it had passed between the Lord Chancellor and the Committee for the Revision of the Statutes, and within a short time Papers upon the subject would be placed upon the Table of the House. Under those circumstances, he hoped the hon. Member for Liverpool would feel content for the present with having called attention to the matter, and that as it would shortly come before the Committee, he would withdraw the Resolutions.

MR. RATHBONE said, that after the explanation of the hon. and learned

Attorney General he would withdraw his Motion.

Amendment, by leave, *withdrawn*.

IRELAND—INCIDENCE OF IMPERIAL TAXATION.—RESOLUTION.

SIR JOSEPH M'KENNA, in rising to call the attention of the House to the unequal incidence of Imperial taxation upon Ireland, and to move—

"That the complaints which have been made that the Imperial Taxation of the United Kingdom presses more severely on Ireland than on Great Britain, and extracts a greater revenue from Ireland in proportion to her actual means, are worthy of the early consideration of Her Majesty's Government, with a view to the adoption of measures for the equitable distribution of the pressure of taxation, so that each of the Countries constituting the United Kingdom shall contribute to the Imperial revenue in proportion to its actual means,"

said, he would ask the indulgence of the House, whilst he explained the grounds on which he ventured to submit for their adoption, the Resolution of which he had given Notice. He was quite aware that there was very little beyond forbearance to be expected by a non-official Member of the House, who brought financial subjects under its notice, unless he made it quite clear that the case he had to submit at least required investigation. He ventured to say no hon. Member was less disposed than himself to discuss crude theories of finance in that House or elsewhere, nor was there anyone who would more scrupulously avoid their introduction. He, therefore, pledged himself from the first, that he would not adduce any argument which he had not seriously considered, nor refer to any statistical Returns which he had not weighed and analyzed. Hon. Members for Irish constituencies, who sat on the benches near him, were reproached, not unfrequently, that they did not submit in some tangible shape to Parliament, such measures as their country required. The Home Rule Members were also twitted, because they did not explain in what respect, apart from what was assumed to be a sentimental grievance, Ireland was worse off than England; and because they did not point out adequate remedies other than Home Rule for Irish discontent, it was assumed in that House and in the Press that there was in reality no solid grievance which Ireland had to complain of or to

redress. There was a certain influence, ingenious and active, which conduced very much to that temper of the public mind, if he might so term it. It arose from a certain propagation, which had gone on for years under the auspices of Dublin Castle—a certain dissemination, perhaps, he had better term it, of plausible but illusory evidences of Irish prosperity and progress. He did not for a moment assert or suggest that the authorities at Dublin Castle, under the present or under the late Government, disseminated false information. He was quite sure they did nothing of the kind; but what he asserted amounted to this—that it had been the system to adduce and group certain statistics as evidences of the prosperity of Ireland, whilst certain other statistical items to which he would refer before he sat down, were kept out of view and utterly lost sight of, although these other items were absolutely necessary to be taken into account in any true estimate of the condition of Ireland or of its actual or relative progress in our times. He would illustrate that in a single instance. One item of Irish statistics which had been prominently adduced on some grave and several festive occasions as incontestable evidence of actual progress was, the increase which had taken place since 1841 in the deposits in Irish joint-stock banks. These deposits increased from £6,000,000 in 1841 to £26,000,000 in 1871, and he agreed that such an increase might fairly be taken into account in any estimate of the condition of Ireland in 1871, as compared to that of 1841. But he had to observe, that to the extent to which these deposits might be made up of capital shifted from other investments, whether financial investments or agricultural enterprise, or produce of any kind, or farm stock, they did not represent any addition whatever to the actual wealth of the community; and as they were largely represented by debts due to these banks from individuals and classes in Ireland who were not indebted in 1848, it was to be presumed that the debtors, for the most part, held visible property against their indebtedness, and, therefore, this property was viewed under other heads. He did not assert, however, that actual progress had not been made in the accumulation of capital; and for the purposes of his argument on that occasion, he was willing that the

Mr. Rathbone

increase of capital should be accounted as £50,000,000 in the money values of all items of Irish property. But here again he should observe that the increase of the money, values of stock in hand, or floating capital, did not denote of necessity an increase of actual annual profit to the community in which it occurred. The herd of cattle which one year fetched £20 per head, was not a more valuable item to the community as a whole than a similar herd in another year, which might only command a market price of £15. He would, however, pass quickly over all that, he would pass from arguments, which abounded in conjecture and were subject to a multiplicity of conditions and provisos, to the analysis of Returns which dealt with ascertained results. He had referred to what he might term the Dublin Castle Statistics, merely that he might assure the House that he had fully considered them. They were not in any moral sense false, but they were insufficient *data*, and were consequently calculated to mislead, and did mislead, the public, and to some extent the official mind, when they were adduced to justify or to mystify the enormous increase in the amount of Imperial taxation levied off Ireland. For the purpose of his argument, justifying the Resolution he had to move, he was saved from all necessity of disputing the fact of some increase, or of disputing the degree of increase to the wealth of certain classes in Ireland. He did not indulge in sensational rhetoric. He had no interest in disputing, and did not dispute, that in some respects Ireland had progressed in material resources since 1841; but whilst he made that admission with pleasure, he did not apprehend that any hon. Gentleman would contend that Ireland had progressed since 1841 in material resources and in the consequent ability to bear taxation in a greater ratio than Great Britain had progressed within the same period; and if no such contention could be set up, there remained, as he would shortly show to the House, no possible logical ground on which the financial policy which had been applied to Ireland since 1841, could be defended. He did not need to enter upon the wearying task of reading to the House the statistics of Great Britain or of Ireland for the last 30 years. There were ready means at hand to supply information as to the actual and relative conditions of

both countries, and their present actual and relative abilities to pay taxes. He would now refer to the Income Tax Returns for the year ended 5th April, 1872, which hon. Members would find very conveniently set forth for Great Britain and Ireland at Page 739 of Thom's Irish Almanac for 1875. By those Returns it was shown that the incomes under all heads, subject to income tax, amounted for Great Britain to £455,765,610, and for Ireland to £26,572,707. Hon. Members could easily test those figures; and if they did so, they would find that he was taking up no uncertain ground, when he said that it was fully proved by those Returns that the incomes of Great Britain exceeded those of Ireland seventeenfold; and it was no rash deduction from that fact to say, that the tax-paying abilities of the inhabitants of Great Britain exceeded those of the inhabitants of Ireland in the ratio of 17 to 1. Now in view of those facts, concerning which, he ventured to say, there could be no dispute, he would call the attention of that House to the further fact that the contribution of Ireland to the Imperial Revenue in place of being equal to a seventeenth only of the contribution of Great Britain was nearly to a fraction equal to one-eighth. He held in his hand a Return to an Order of the House, granted on his (Sir Joseph M'Kenna's) Motion of 1st May last, which set forth—

"The gross revenue of Ireland derived from taxation, and excluding casual and miscellaneous receipts, post office and telegraph receipts, Crown Lands, and fees in Courts of Justice taken in stamps, for the years 1841, 1851, 1861, and 1871, and of the population of Ireland in those years, and a computation of the amount of such revenue in respect to each head of the population;"

and a like Return in respect to the revenue and population of Great Britain for the same years. He ventured to say that those Returns disclosed on their face and as a whole, a system of constant and progressive financial injustice to Ireland such as no people who understood the subject could submit to with patience, and such as no country could suffer without injury. Those Returns showed that whilst the taxation per head on the population of Great Britain had been reduced from £2 9s. 9d. in 1841 to £2 4s. 1d. in 1871, the taxation per head on the much poorer population of Ireland had been raised from 9s. 6d. per

head in 1841 to £1 6s. 2d. per head in 1871—that was to say—side by side with an actual reduction of 10 per cent per head in Great Britain the taxation per head in Ireland had been nearly trebled. But how had all that come to pass? What were the imposts that had squeezed all that money out of so poor a population? To which of them did he (Sir Joseph M'Kenna) take exception? He objected to the excessive total which was raised off Ireland—augmented he was bound to admit by taxes which were chiefly imposed at the instance of so-called Liberal Governments; but it certainly was not their financial policy towards Ireland which had entitled them to that honourable designation. If he was asked to specify any tax or class of taxes which pressed most unfairly on Ireland, he would specify the taxes on alcoholic liquors of all kinds. He hoped hon. Gentlemen would not misunderstand him. He did not complain of there being a tax, nor even a high tax, on alcoholic liquors; but he objected to the inequality of the scale which had been enacted of late years. He objected to the increase of the duty on Irish spirits from 2s. 10d. the gallon in 1841, to 10s. in 1871, whilst the duties on malt, and on all the alcoholic liquors which were most in use in England had been enormously reduced within the same period. He ventured to say that there was no instance on the face of the earth, nor in history, of any such overwhelming increase of a single tax on any people as the increase of the amount levied for spirit duties off the unfortunate Irish people between 1841 and 1871. The Return of 7th of August last, which he held in his hand, showed that the tax levied off Ireland under that head alone had been raised from £964,091 in 1841, to £3,469,031 in 1871—an increase of £2,500,000 a-year in that single impost. It was scarcely a figure of speech to say that since 1841—or he would take a later date to mark the epoch and say since the Famine of 1846—the British Finance Minister had caught the unhappy Irish people by the throat, and wrung from them sums which, were they not vouched by the Returns to that House, would seem to all men as incredible as to him they appeared exorbitant and unjust. He did not wish to mix up in this discussion the consideration of questions of

finance and the subject of temperance; but he could not wholly avoid anticipating those who would reply that grievous as the tax might seem, it was not so great an evil as intemperance, and who would add that any law which prevented or even obstructed the consumption of alcohol, should be defended; but to those philanthropists he answered that those Returns showed that the enormous duty had neither prevented nor diminished the consumption. Any hon. Member who would take the trouble of examining the Returns to the House would find that the consumption per head had increased, not diminished, since 1841. The effect of the law had been to render the poor poorer than they would otherwise have been. It was, he ventured to think, because the Irish were worse fed and worse clad than the people of England quite as much owing to the humidity of the climate, that the Irish preferred spirits to beer or porter or strong ale. He was not defending their taste when he testified to the injustice of the tax, and the irregularity and unfairness of its pressure as against the poorer people. The consumption of spirits in England was no doubt considerable; but ale and every species of brewed liquors and wines of all kinds were nevertheless her chief alcoholic drinks. He would now call the attention of the House to the scale of taxation applied to these liquors having reference to their alcoholic strength. Spanish and Portuguese wines paid a duty which was equivalent on every gallon of proof spirits they contained to 6s. a gallon. French wines paid a duty equivalent to a spirit duty of 4s. a gallon, and the consumers of ale, porter, and beer paid a duty equivalent to 2s. a gallon. He anticipated the trite answer, which was no argument however, that the English paid the same duty on whiskey, and the other spirits which they consumed as the Irish, and that the Irish might consume wine or beer which paid a lower duty than whiskey if they chose to do so; but choice was not wholly under the control of the will; they preferred the whiskey—their dietary and their climate rendered whiskey more suitable to them, or at any rate more acceptable, and that almost universal preference had rendered the injustice an easy one to execute. Short and simple as were the Returns

Sir Joseph M'Kenna

in his hands, they exhibited what he ventured to describe as a positively shocking state of things. They showed that the gross taxation of Ireland had been increased 75 per cent since 1841, in face of a diminution of the population; whilst the gross taxation of Great Britain had been increased 22 per cent only. And those two conditions of increased taxation and diminished population had worked out an actual increase of nearly 200 per cent in the taxation borne by each head of the population of Ireland; whilst the increase of population in Great Britain had not only counterbalanced the increased amount of taxation, but had worked out, as those Returns would show, a positive reduction of 10 per cent in the taxation per head on the population of Great Britain. Hon. Gentlemen were, probably, surprised that Ireland was not content with the blessings of the British Constitution, her discontent, they said, took an irrational turn, she called out for Home Rule, she did not, they assumed, know what was the matter with her—her griefs were imaginary. Well, she might not fully understand it; but he (Sir Joseph M'Kenna) was under no delusion upon the subject. The cry for Home Rule was the call of a people for a just and paternal government. At present, the resources of Ireland—perhaps he would more accurately express it, her annual yield of profit, was disproportionately, inordinately, and, he submitted, unjustly carried off by the Imperial tax-gatherer. Ireland suffered from fiscal injustice, as who would gainsay who reflected that with a population reduced since 1841 from 8,000,000 to 5,000,000, she had to pay £3,000,000 a-year of additional taxation. That sum represented an additional annual burden on Ireland heavier relatively than the annual charge on France consequent on the Prussian War Indemnity—for France had not been mulcted so as to make up an annual charge of five times £3,000,000, and France was seven times more populous than Ireland, and 30 times as rich. However statesmen or political doctors might differ as to the remedy for her complaint, the diagnosis to his mind was clear enough. A country which had to pay in a single tax an annual sum [more than equal to a fourth of her valuation rental—and almost equal to the sum total of all the other taxes raised from her on the high

scale of British taxation—and which received no return of any kind for the impost, except permission to consume the produce of her own soil, could never be otherwise than discontented and disaffected. What would have been said to any British Minister in England who, since 1841, had endeavoured to impose an income tax, or any other tax equivalent to an income tax, of 2s. in the pound on the entire income of Great Britain, under all the Schedules? But let him tell hon. Gentlemen that Parliament, under the sanction chiefly, he would admit, of Liberal Governments, had, since 1841, imposed additional Imperial taxes on Ireland to a greater amount than what a charge of 2s. in the pound on her total income, under all the Schedules, would produce. Let him also tell hon. Gentlemen, who would try to meet the case he put to them by leading forth columns of statistics, brigaded by Dr. Neilson Hancock, of Dublin; that Dr. Hancock's statistics were utterly irrelevant to the issues which he (Sir Joseph M'Kenna) now raised. The fair and common measure of the tax-paying power of both countries, under equal pressure, would be found in the amounts of their respective incomes under all the Schedules. The respective totals of the incomes of £100 and upwards for each island might be fairly taken as the measures of the respective abilities of Great Britain and Ireland to pay taxes. These proportions were £455,750,000 for Great Britain, and £26,500,000 for Ireland; but on examination of the proportion of taxes raised, it was found that Great Britain was made to yield £57,000,000 and Ireland to yield £7,000,000; and on examination of the proportion of taxation to income for Great Britain it was found to amount to 2s. 6d. in the pound and no more, whilst the proportion of Imperial taxation paid by Ireland was equal to 5s. 3d. in the pound. These figures carried to his mind, and impressed him with a sense of injustice more forcibly than any language at his command could convey to others. He confidently maintained that it would be impossible to find an instance of any country in the world, other than Ireland, made to pay by a single tax, an annual sum more than equal to a fourth of the annual value of all the houses and lands in the country—but that was the case with Ireland. He also confidently asserted, that there

was no country in Europe, where so large a proportion of the total income of the country was taken up in taxes irrespective of those spirit duties as in Ireland. He had now but few words more to say, and these he offered to the House in loyalty and good faith. If the British Parliament desired that the power, which the Act of Union conferred upon Great Britain, of levying taxes off Ireland, should not be used for the wrong and oppression of that country—and he did believe that Parliament so desired—that House would apply itself, and Her Majesty's Ministers would apply themselves, as early as possible, to the adjustment of the pressure of taxation, so that Ireland should contribute her fair quota—and no more—to the Imperial Exchequer. He would thank the House for the great indulgence and consideration it had shown him whilst dealing with a subject by no means attractive, and would conclude by moving the Resolution of which he had given Notice.

Mr. BUTT seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the complaints which have been made that the Imperial Taxation of the United Kingdom presses more severely on Ireland than on Great Britain, and extracts a greater revenue from Ireland in proportion to her actual means, are worthy of the early consideration of Her Majesty's Government, with a view to the adoption of measures for the equitable distribution of the pressure of taxation, so that each of the Countries constituting the United Kingdom shall contribute to the Imperial Revenue in proportion to its actual means,"—(*Sir Joseph M^c Kenna*.)

—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, there were no kind of complaints which more frequently reached the ears of the Chancellor of the Exchequer than those relating to the inequality of the incidence of taxation. Since he had the honour of holding his present office, it had fallen to his lot to have a great many representations made to him on the part of different classes and interests to the effect that they were unequally taxed. Such representations had been made to him on the part of different professions and trades, of the landed interest, the possessors of life incomes, and so forth; while he had also been in the habit of hearing it said that the consumers of taxable articles paid an undue

share of the public burdens. He was not, under those circumstances, surprised that complaints of the same kind should come from one particular portion of the United Kingdom; and he might say that the example set by the hon. Member for Youghal had been followed, indeed, he might say preceded by Representatives of other portions of Great Britain. There would, indeed, in his opinion, be very little difficulty in making out a case with respect to many portions of England itself, if the House were to adopt the principle laid down by the hon. Gentleman, that the true test of the burden of taxation was the ratio which the income of one part of the country bore to another. But it was impossible to enter into a question of that kind on the present occasion. He was not going to argue the question on what the hon. Gentleman called "Dublin Castle Statistics," and of which he said that they might, in a certain sense, be true, but that they were irrelevant. That was a remark which he thought was true; but it equally applied to the great mass of statistics which the hon. Gentleman had laid before the House. He was not about to go minutely into those statistics, or to endeavour to find out where they might fairly be challenged; but he maintained that they were to a great extent wide of the point, and that the question must be looked at in a different way if the House desired to get at the truth. The subject to which the hon. Gentleman had called attention was, no doubt, one which was worthy of the consideration of the Government, for it was desirable that they should at all times be prepared to review the taxation of the country in order to ascertain, as far as possible, whether taxation did or did not press unfairly on any one class in the country. The subject was one which, however, had not escaped the attention of the Government. Some 10 years ago a Committee had been appointed by the House, which sat two Sessions, and which went very minutely into the circumstances of the taxation of Great Britain and Ireland. On that Committee, which was presided over by his right hon. and gallant Friend General Dunne, who at that time was a Member of the House, he had the honour to serve. He knew, he might add, no man who was more anxious that the case should be fairly considered than

Sir Joseph M^c Kenna

his right hon. and gallant Friend; nor did the Committee spare any pains or labour to get at the truth. Well, if the state of Ireland at that time was compared with its present condition, it would be found, he thought, that she had not been going back, but that, on the contrary, she had greatly improved. How was that improvement to be accounted for? and how was it consistent with the great oppression which as it was asserted had been practised towards Ireland in the matter of taxation? The hon. Gentleman said—"Look what enormous burdens you are laying upon her; I can only compare them with the burdens imposed on France by Prussia." That was, however, a comparison which he did not think the hon. Gentleman would persevere in on reflection. What was that taxation which was a burden imposed on France? It was a burden laid upon her not at all for her own benefit, but for the benefit of a foreign country, and it represented money extracted from France and sent to Germany. But did the hon. Gentleman mean to compare the money raised by the Imperial taxation, which fell both on Ireland and England, with taxation levied for the purpose of sending money to a foreign country? ["Hear, hear!"] Did hon. Gentlemen who cheered that statement think the case was parallel with that of Ireland? He was not altogether unprepared for that view of the case; but if they wished to look at the matter fairly, they must consider whether Ireland did not receive her share of benefit from the money which was taken from her in the shape of Imperial taxation. [Mr. JOHN MARTIN: No, no!] What, then, he should like to know, became of the money? It was spent for Imperial purposes, and it remained for the hon. Gentleman to show that those were purposes in which Ireland had no concern. If the money was spent for purposes which were exclusively advantageous to England, there might be something said for the comparison drawn by the hon. Gentleman, but such was not the case; for if the matter was looked fairly in the face, it would be found that Ireland got not only her share of Imperial, but also a large amount in the shape of subvention to her local expenditure. Without going minutely into the matter, he might mention that whereas the taxation

of Ireland had in proportion to that of England might be put at 12 to 100, the proportion of the subventions to the local expenditure of the former as compared with those to local expenditure of England was as 100 to 80. That was a fact which the hon. Gentleman must bear in mind, and which made a very material difference, if he wished to establish a comparison between the taxation of France for the benefit of Germany and that of Ireland for the benefit of the British Empire. But the hon. Gentleman went on to devote a great portion of his speech to the discussion of the question of the spirit duties, and he (the Chancellor of the Exchequer) was not altogether disposed to deny the force of some of his remarks on that subject. He should like, however, to ask whether the whole of the money set down in the Returns before him as derived from Ireland as a tax on spirits was really paid in that country? Did the hon. Gentleman mean to contend that the whole of the home-made spirits in Ireland was consumed there, or did he make no allowance for the quantity which was consumed in the United Kingdom? If Ireland paid so large a sum as was said in the shape of duty, he would merely observe that the Irish people were not compelled to drink spirits, and that they drank them because they liked them. Therefore, the fact that a much larger proportion of Revenue came from that source was a proof that the circumstances of the Irish people were improving, and that they were better able to indulge themselves in those and similar luxuries. When, at the end of the year, the Chancellor of the Exchequer stated what the Revenue of the country had been, and that the proportion derived from the Excise and the Customs was so and so, and had largely increased, the inference generally drawn—and he thought correctly drawn—from that fact was, that the people must be in a prosperous condition, because they were able to contribute so largely to the Revenue. Well, that argument might be applied to Ireland. He did not say that it held equally good when the increase merely came from raising the duty; but when the duty had been raised, and the consumption still went on increasing, and a greater Revenue was thus produced, that fact, undoubtedly, as far as it went, strengthened the inference that the

prosperity of the country was also increasing. When the hon. Gentleman said that the true test of the proper proportion of taxation between the two countries was the ratio between the aggregate income of the one to the other, was he not considering a very different system of taxation from that which existed in this country? [Sir JOSEPH M'KENNA: I think not.] If they had such a state of things now as they had immediately after the Union, when the Exchequers of the two countries were kept separate, and they attempted to regulate the proportions which each should pay to the joint expenditure, then, no doubt, they must have had recourse to such means as were at their command for ascertaining what amount they should assess on the one country and what amount on the other. If they came forward every year and said they wanted to raise £70,000,000 of taxation, and told England to provide so much, Ireland so much, and Scotland so much, then they would have to take into account those questions which the hon. Gentleman raised as to the aggregate income of those countries respectively. But that was not the system they went upon, or intended to go upon. What they said was—"Here are the taxes which, with some exceptions, are laid on the whole of the Empire, and when they are borne in a different ratio by each part of the country it is not by any arbitrary rule laid down by Parliament or by the Government, but by the self-acting rule of the state of the different parts of the country and their means of paying them." They might roughly divide the taxation of the United Kingdom into two classes—first, there was the taxation which fell on property and income, and where the property or income was large, the revenue derived from it would of course be large in proportion. Second, there were the taxes on articles of consumption; and they would be productive or otherwise according to the means of the consumer to consume those articles. Now, if they were to lay on one portion of the United Kingdom a different rate of income tax from that laid on other portions, undoubtedly they would be placing a burden on that particular portion of the country. If they said that where the one was to pay 2*d.* in the pound the other should pay 3*d.*; or where the

one was to pay 2*d.* the other should not pay anything at all, no doubt that distinction would be an arbitrary one. But if they said that the whole country should pay a 2*d.* income tax, it could not be said that one part of the country was taxed more heavily than another, if the system of assessment was the same. Well, as between Great Britain and Ireland the system of assessment, if it differed at all, was all in favour of Ireland. He did not make much of that point, because he might be challenged as to what the amount of that difference was; but he might say that if the question was to be settled by Dublin Castle statistics, the amount would be very large. He should say, generally, that, in regard to landed property in Ireland, the principle of levying on the rateable value, instead of on the gross, was a great advantage, while, again, a double advantage was given to the tenant from the mode in which he was assessed under Schedule B. Therefore, the distinction that was made was in favour of Ireland. Then, with regard to other taxes, it was true there was some distinction between different parts of the Kingdom, but it was also in favour of Ireland. Certainly, of late years that distinction had been done away with to a great extent, and Ireland, in consequence, was brought to contribute more equally with the rest of the United Kingdom. It was by a self-acting test that they found what one part of the country and what another part should pay as regarded the great bulk of the Revenue. There were, however, still considerable items of taxation which applied to England and not to Ireland. Among these were the inhabited house duty, the establishment taxes, the railway duty, and he thought some other duties, which were still imposed on England and Scotland, but not on Ireland. Therefore, they were not treating Ireland with rigour. On the contrary, in adopting the system that was thought best for the whole of the Empire—a system which was, to a certain extent, and which was intended as nearly as possible to be self-acting, they had given relaxations to Ireland in consideration of matters which it was not now necessary to enter into. If it were true that since 1841 the taxation of Ireland had been more and more increasing in proportion to that of England, that was due to the fact that

before that time Ireland was exempted to a much larger degree than at present she was from taxes which were paid in Great Britain; and the only question was, whether, she having had the benefit of that exemption so very long, they were not to come to the time when they should call on Ireland to bear her fair share of the burdens of the Empire, as was always contemplated at the time of the Union. ["No, no!"] He said it was always contemplated at the time of the Union that the period would probably arrive when it would be possible to lay a general system of taxation on the whole of the United Kingdom. But he admitted that the terms of the Union contemplated relaxations to meet the peculiar wants and circumstances of Ireland. Those relaxations had been made, and made most abundantly, and those parts of the country had severally had the benefit of them, and the case of the Government was, that the time had at last come when Ireland had arrived at that point of prosperity at which she was quite able to bear, at all events, the share which she was now called on to pay towards the expenses of the Empire. He would only say, then, in conclusion, that they rested their case on this: That there was no tax imposed on Ireland that was not also imposed on the rest of the United Kingdom; that there were taxes imposed on other portions of the United Kingdom which were not imposed on Ireland. ["Hear, hear!"] As to the relative productiveness of taxes in different parts of the United Kingdom, that was a matter which they could not regulate, because it was, in fact, self-regulating and self-acting. If it was said that in consequence of their raising so much of their revenue by taxation on articles of consumption, they bore heavily on the consumers of those articles—he meant in proportion to the charges on property—that was an argument which applied not to Ireland alone, but to the whole United Kingdom, and which must be considered on its own grounds. And lastly, when they considered that of Imperial taxation as now raised, Ireland got her full share and somewhat more, he thought the House could hardly be expected to entertain the Motion of the hon. Gentleman. The hon. Member asked them to inquire into the incidence of taxation with a view to

its equitable distribution, so that each of the countries constituting the United Kingdom should contribute to the Imperial Revenue in proportion to its actual means. He said, that if they were to make such an inquiry, and they were in that inquiry to take into account, as they would be bound to do, the mode in which local taxation was levied in comparison with that of the other parts of the Empire, and also the special distinctions still existing as between one part of the Empire and another, they must come to the conclusion that Ireland, instead of being a gainer, would be much more likely to be a loser by the adoption of the principle for which the hon. Gentleman the Member for Youghal contended.

MR. SULLIVAN said, the House had probably for 20 years not listened to a more important speech on the condition of Ireland than that which had been made that evening by the hon. Member for Youghal (Sir Joseph M'Kenna). It was much to be regretted that during the delivery of that speech, in which it was essential that the hon. Gentleman should have dealt with the acts of a previous and recent Administration, the front Opposition bench had been conspicuous by its emptiness. The Chancellor of the Exchequer had laid great stress on the statement naturally and frankly made by the hon. Member for Youghal, that Ireland had made some advance in material progress; and the right hon. Gentleman sought to make capital out of that fair and truthful assertion, and asked how Ireland could be oppressed when even a Home Rule Member admitted that she had grown to some extent? He could only say of that threadbare and well-worn argument, that it reminded him of that which was used by the baby-farmers, who referred to the fact of a child's growing, in proof of the excellent treatment it received. A child might increase a pound and a-half in weight in two years, and that small increase might itself be the result of cruel treatment. The question, however, was not whether Ireland had grown in the lapse of years, but whether her growth had been the normal and average growth she would display if she were well managed and well governed. The right hon. Gentleman evaded that point, he had shut his eyes to the striking contrast between

the growth of England and that of Ireland, and unable to grapple with the very serious statements which had been made, had dexterously sought to evade them altogether. Of all men in the House, however, the Chancellor of the Exchequer ought to be the man to be able to give them a "Yea" on the question, if he could not give them a "Nay." What were the broad facts of the question? Was it not proved by the solemn evidence of a Parliamentary Return, that, whereas in England between 1841 and 1871, the pressure of taxation upon the English people per head had decreased 10 per cent, in the case of the Irish people it had increased from 9s. 6d. to 26s. 2d.? No attempt had been made by the right hon. Gentleman to controvert that statement. There was, moreover, a Return which showed that the pressure of taxation in England upon the income of the community was exactly 2s. 6d. in the pound, while in Ireland it was no less than 5s. 3d. The Chancellor of the Exchequer had informed them, and English Members had cheered him as if their consciences were greatly relieved by the argument—"We pay taxes in England that are unknown in Ireland." ["Hear, hear!"] Would the hon. Member who cried "Hear, hear," say whether those taxes were not included in the 2s. 6d. in the pound which was paid in England, while the Irish taxes came to 5s. 3d.? When that test was applied, what became of the argument of the Chancellor of the Exchequer? The right hon. Gentleman had said—"In these matters we can take no special note of any particular portion of the Kingdom. We lay down a system of taxation which is self-acting, and if it bears unequally on any portion of the Kingdom, that is the misfortune of that portion, not our fault." Surely, that was a powerful argument in favour of Home Rule. What Henry Grattan and the Plunkets had foretold in the Irish Parliament was now fulfilled. They had shown that an incorporation with England would attract the wealth of Ireland to the greater wealth of England, and deplete the former country instead of causing her to prosper. They had foretold that whereas under her own Parliament Ireland had had a comparatively light taxation, if she joined in one system with England she, the poorer country, would stagger

under a weight which was as a feather on the shoulders of the wealthier people. The Chancellor of the Exchequer had now shown that that was the case, but he had said in excuse—"Ireland is so many shires in the United Kingdom, and we can take no more special note of it than we can take of Lancashire or Yorkshire." Upon that confession, what had Ireland gained by union with England? It would go forth to the Irish people, on the authority of the Chancellor of the Exchequer, that because of the union they had to pay 5s. 3d. in the pound, instead of 2s., as in earlier days. Some English Member would perhaps argue—"It is all quite fair, for we don't levy upon you any tax which we do not ourselves bear." But that was a sophism. Taxes might be levied over a wide area of Empire which would have a specific effect upon one country and in no way touch another. If, for example, a law was passed prohibiting the growth of peat turf throughout the Empire, theoretically it would apply in the same way to England and Ireland, but practically it would affect the latter only. It was inevitable that a country should look upon this question as a whole and endeavour to strike a balance, in order to find out the net profit or the net loss. Doing that, Ireland found that about £150,000,000 had been wrung from her in taxation within the last 50 or 60 years which she would not have had to pay but for the union with England. Dr. Johnson once spoke of it as the "union of the shark with its prey." [An hon. MEMBER: It was Byron.] Yes, it was Byron. Dr. Johnson, however, said something still more severe. "Don't unite with us," said he, "or we shall rob you as we robbed the Scotch." But when Ireland was concerned, no matter whether it was financial, political, municipal, or the county franchise question, they were always taunted with the one argument—"Oh, that is nothing; why do you not select something practical?" He contended that nothing could be more practical than this question. Why the question of the sovereign was more practical than the almighty dollar. The taunt reminded him of the man who exclaimed, as he applied the lash to the back of a restless victim—"Whether I cut high or cut low, you are always complaining." Before the English community at the tribunal of public opinion,

Mr. Sullivan

he would say that if there was any feature in the Irish case that could awaken English public opinion to the solid foundation there was for the Irish impeachment of the Union, it was to be found in the speech of the hon. Member for Youghal and in the answer of the Chancellor of the Exchequer, which afforded ample proof of the justice of the tremendous series of startling forebodings uttered by Grattan, Curran, Plunket, Bushe, and Flood, in which they warned Ireland against incorporation with England as an act which would bring upon the former country all the burdens of the wealth of the latter without its sharing in the advantages which that wealth ought to confer.

MR. ORR-EWING said, he had listened to the speech of the hon. Member opposite (Mr. Sullivan) with much satisfaction, because, as a Scotchman, he sympathized with the complaint of the Irishmen that their whiskey, which was their national beverage, was too heavily taxed, and he only regretted that the claims of Scotland upon the point had not also been brought before the House at the same time. It was a pity that the hon. Member had not stated distinctly how he proposed that the injustice should be remedied, because if he proposed to meet the case by lowering the duty upon the alcohol in Irish whiskey to the scale of that which was imposed upon alcohol in wine and beer in this country, he could assure the hon. Member that he would not have the support of Englishmen or Scotchmen, or even of his own countrymen. No one wished that the duty upon alcohol in whiskey should be lowered—all they desired was that justice might be done, and that the national beverages of England should be taxed at the same rate as those of Scotland and of Ireland were—according to the amount of alcohol these beverages contained. In his opinion, both Scotland and Ireland suffered great injustice from the manner in which beer was taxed, as the following figures would show. The annual consumption of proof spirits per head by the population in England was 6½ gallons, in Scotland 4½ gallons, and in Ireland 3 gallons. In 1863 the quantity of proof spirits consumed in England was 5 gallons per head of the population, in Scotland 3 gallons, and in Ireland 1½ gallon; and the increase between that date and 1873

was in England 27 per cent, in Scotland 50 per cent, and in Ireland 59 per cent. The amount of duty on alcohol in beer, wine, and spirits paid annually by the English population per head was 17s. 5d.; by the Scotch, 26s. 6d.; and by the Irish, 17s. 10d.; whereas, if the English, Scotch, and Irish were made to pay duty on the alcohol they consumed in wine and beer at the same rate as the alcohol in whiskey was taxed, the English would have to pay 66s. 11d. per head, the Scotch 45s. 9d. per head, and the Irish 29s. 1d. per head. Under the present system, the Scotch and Irish people were told that they must not consult their own taste in the beverage they drank, and that they were not to take that which they believed to be best for their own health, unless they chose to pay a far higher duty upon it than the people of England had to pay on their national beverage. He heartily approved the object the hon. Member for Youghal (Sir Joseph M'Kenna) had in view in inviting the attention of Parliament to the heavy taxation of Scotland and Ireland as regarded their national beverages, with a view to future legislation; but, at the same time, if the hon. Member would not consent to withdraw his Resolution, he should be obliged to vote against it, because he was sure that the people of England, Ireland, and Scotland would never be parties to lowering the duty upon alcohol in any form.

THE O'CONOR DON said, that as he was the only Representative from an Irish constituency now in Parliament who had sat on the Committee whose Report the Chancellor of the Exchequer had referred to, he desired to say a few words on this subject. He quite agreed with the line of argument that had been adopted by the last speaker. Although there was nominally equality of taxation as between Ireland and England on the two great articles of beer and whiskey, yet in reality there was no such equality, because the taxation on the alcohol in the two beverages was very different. He agreed with the hon. Member who had spoken last, that very few Irish Members would vote for a reduction of the tax upon whiskey, because they believed that that would lead to far greater evils than the tax itself; but what they were entitled to claim was that a similar

amount of taxation should be placed upon the national beverages in England which corresponded to whiskey in Ireland, and if that were done, he believed that an enormous increase would come into the purse of the Chancellor of the Exchequer. At the same time, looking at the result of the last General Election, he feared it was very unlikely that a proposal of that sort would meet with the approval of a majority of the House, because one of the most powerful interests of the country would be opposed to it, although if it were left to Irish Representatives, he believed it would soon become law. The hon. Member for Louth (Mr. Sullivan) seemed in doubt whether the Chancellor of the Exchequer admitted the fact that taxation in its existing form pressed more heavily upon Ireland than it did upon England, the respective resources of the two countries being taken into consideration. He would, therefore, refer to one of the draft Reports presented to the Committee, which had been mentioned by the right hon. Gentleman opposite—

"It is not surprising," the Report stated, "that the large increase in the general taxation of the country should have given rise to complaints, and that louder complaints should have been made by Ireland than by other parts of the United Kingdom. . . . The pressure of taxation will be felt most by the weakest part of the community, and as the average wealth of the Irish taxpayer is less than the average wealth of the English taxpayer, the ability of Ireland to pay taxation is evidently less than that of England. Mr. Senior remarks that the taxation of England is both the heaviest and lightest in Europe—the heaviest as regards the amount raised, the lightest as regards the ability to bear that amount, and that in the case of Ireland it is heavy both as regards the amount and the ability of the contributor, and he adds that England is the most lightly taxed, and Ireland the most heavily taxed country in Europe, although both are nominally liable to equal taxation."

That draft Report was not his Report, but was proposed by the right hon. Gentleman the present Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER: Will the hon. Gentleman read the following paragraph?

THE O'CONOR DON said, the next paragraph stated that complaints had been made by the several witnesses examined, to the effect that Ireland had been suffering, especially during the last four or five years, from a diminution of capital, or from emigration.

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THE O'CONOR DON could assure the right hon. Gentleman he did not intend in any degree to misrepresent him. In the paragraph to which the right hon. Gentleman referred, he stated that it was clear, from what Mr. Senior had said, that that which applied to Ireland applied to the poor parts of Great Britain also; that no system of taxation had ever been devised which pressed equally upon all persons; and that if it were recognized as a sound principle that we should attempt to graduate a tax which pressed upon one part of the United Kingdom, so as to relieve it of some burdens on the ground of poverty, it was impossible to resist the conclusion that we should carry the graduation further, for the purpose of relieving individual taxpayers all over the United Kingdom. He had merely referred to the Report, to show that the right hon. Gentleman had admitted the fact that the present system of Imperial taxation fell more heavily upon Ireland, than upon other parts of the United Kingdom. The simple mode of restoring the balance was that suggested by the hon. Member for Dumbartonshire (Mr. Orr Ewing). While he joined in the wish expressed by the hon. Gentleman opposite that the Motion would not be pressed to a division, he could not but think that the debate would be attended with beneficial results. It would show hon. Members who were fond of taunting Irish Representatives when asking for aid for works of utility in Ireland, that they did not come as beggars to apply for that to which they were not entitled, and that the right hon. Gentleman who now presided over the finances of the country, having examined the subject carefully in Committee upstairs for two years, had come to the same conclusion as that which was the mainspring of the Motion of the hon. Member for Youghal—namely, that from whatever cause it arose, the existing system of Imperial taxation pressed more heavily on the resources of Ireland than it did on those of Great Britain.

MR. LOWE said, he wished to point out that which appeared to him to be

evident, as one of the Members of the Committee referred to—namely, that the arguments which they had just heard rested on a very obvious and gross fallacy. Hon. Gentlemen spoke of the taxation Ireland paid, and England paid, and Scotland paid; but they did not seem to observe that in using those terms, they were using expressions which were merely abstract and metaphorical. Ireland, in fact, paid no taxation, and England paid no taxation. Taxation was not paid by geographical districts, it was paid by individuals. Hon. Gentlemen took the amount paid by the population of a country, and showed the average paid per head. That, however, was not the way to ascertain whether a country was heavily or lightly taxed. The thing they had got to show was, that individuals of one country were more heavily taxed than individuals of like means were in another country. They should compare the individual Irishman and the individual Englishman in similar circumstances, and show that the Irishman was more heavily taxed than the Englishman. That was what they had not done, and that was what he challenged them to do. He would begin with the Irish Duke, and, if necessary, he could go down to the Irish peasant, and ask them to show him any Irishman more heavily taxed than any Englishman of a corresponding class. The Irish Duke paid nothing for keeping his carriages, he paid no duty for his servants, he paid no assessed taxes. The English Duke of similar income was subject to those taxes. Again, Irish railways paid no taxes. He could, in fact, point out numbers of instances in which individual Irishmen and corporations were much less heavily taxed than were English individuals and corporations of like standing. He could show no case in which the Englishman was relieved of a tax which was levied upon the Irishman. They were, therefore, merely deluding themselves with words when they talked about the taxation of Ireland and the taxation of England. Let them go to individuals and show some case in which Irishmen groaned under the burden of taxation which Englishmen of exactly similar means escaped. The case failed entirely through the use of abstract and metaphorical language, as if a country, and not

the individuals of the country, paid taxation.

MR. JOHN MARTIN hoped his hon. Friend the Member for Youghal (Sir Joseph M'Kenna) would not withdraw his Motion, but would ask the House whether it referred to a subject sufficiently important to be considered with a view to a solemn opinion being expressed upon it. He (Mr. John Martin) had seen some things in the course of the debate which, as a friend of England—although he ought not to be a friend of England; he should only be a servant of his own country and indicate as far as he could the rights of his country, trying to convince the people of England through the House of Commons that the Irish, his countrymen, would never consent to remain the subjects of this country; but, as a friend of England, he had witnessed some things in the course of the debate which were of a hopeful kind. He had perceived that the consciences of some Englishmen were beginning to be touched. He had watched how eagerly they hung upon the words of the Chancellor of the Exchequer, seeking for some apology, some excuse, some explanation—anything that would satisfy them that it might be just to tax the people of one country 5*s.* 3*d.* in the pound, and of their own country 2*s.* 6*d.* only. There was another reason why the inquiry asked for should be granted, and it was this—that the right hon. Gentleman had said—and a former Chancellor of the Exchequer had echoed his words—that, in fact, Ireland, in the matter of taxation, was unduly favoured. Now, as an Irishman, he said he did not want to be unduly favoured. His countrymen would scorn to be unduly favoured. They wanted to pay their fair and just share, and they called on the ex-Chancellor and the actual Chancellor of the Exchequer to make good their case. He hoped that the two Reports of the Committee to which the right hon. Gentleman had referred—that of the Chancellor of the Exchequer and the minority Report of General Dunne—would be studied by hon. Gentlemen at both sides of the House. In the proceedings of that Committee he took a deep interest, for its leading spirit had been an old and dear Friend of his, the late John Dillon. He recollected well how when that Committee was appointed, care was taken to pack it with English and pro-English

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Members, so as to secure a Report in favour of England.

SIR JOSEPH M'KENNA said, he was satisfied with the discussion, and would, with the permission of the House, withdraw his Motion [*Cries of "No, no!"*]

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

MARINE INSURANCE.

OBSERVATIONS.

MR. T. BRASSEY, in rising to call attention to the evidence relating to Marine Insurance taken by the Royal Commission on Unseaworthy Ships; and to move—

"That an humble Address be presented to Her Majesty praying that She will be pleased to appoint a Royal Commission to inquire into the state of the Law, to report thereon, and to make recommendations with the view to establish the Law and practice of Insurance on the principle of indemnity for losses actually sustained,"

said, it was a somewhat hazardous enterprise for a layman to bring to the consideration of the House a subject of so much difficulty as the law relating to Marine Insurance. A knowledge of the law was not required in order to be convinced that where great facilities existed for insuring property in ships or goods at full, and in some cases at exaggerated value, such facilities had a tendency to produce carelessness in the management of shipping, with all the attendant evils which sometimes occurred of deplorable loss of life at sea. If he could show that there was a concurrence of opinion among competent authorities in favour of considerable amendment and alteration in the law of Marine Insurance, he thought he should have done enough to justify the Motion which he proposed to make for the appointment of a Royal Commission to inquire into the subject.

MR. SPEAKER said, he wished to remind the hon. Member that he might call attention to the matter, but could not make a Motion, the House having already affirmed the Motion for going into Committee of Supply.

MR. T. BRASSEY said that he could at all events show that the facility for

insuring at the full, and sometimes at an exaggerated, value was a primary cause of carelessness and recklessness. For that purpose, he would quote some remarks made by Mr. Harper, the Secretary of Lloyd's Salvage Association, in his evidence before the Royal Commission on Unseaworthy Ships. Mr. Harper pointed out that the care of a ship was divided into a hundred particulars—care in the selection of a master, care in the selection of a crew, care in securing that the ship should be in a proper state of repair before leaving port; and that watchfulness was likely to be relaxed when the shipowner knew that if his vessel were lost, he would recover all the money he had invested in the ship, with, in some cases, a large profit in addition. In order to show the extent to which, under the various decisions which had been given in our Courts of Law, Marine Insurance had been allowed to exceed that strict indemnity for loss which it was originally intended to secure, it would be more convenient that he should refer to a case that had actually occurred, and which illustrated the working of the law of Marine Insurance. The case was that of the *Sir William Eyre*, which was brought under the notice of the Royal Commission by Mr. Cowen. That vessel sailed in 1863 from Glasgow to New Zealand. She was intended to discharge her cargo at Otago, then to proceed in ballast to Calcutta, and there to take in cargo for which a freight amounting to £4,000 was to be paid. The ship was stranded before she reached Otago, but she was temporarily repaired at the cost of the underwriters on the outward freight, and proceeded in ballast to Calcutta, where a further survey was made, and it was discovered that the ship was not worth repairing. She was lost shortly afterwards in the Cyclone of October, 1864. The damage which the vessel was found at Calcutta to have sustained having been caused before she reached Otago, the underwriters on the policy to Otago were held liable to pay £6,000. The shipowner had insured in the sum of £4,000 the chartered freight homewards from Calcutta; and as the ship had become a constructive total loss, the House of Lords held that the underwriters were bound to pay the £4,000. Finally, the shipowner, before he knew that his vessel had been seriously injured, had insured her in the sum of

Mr. John Martin

£8,000 by a time policy for three months after her arrival at Calcutta, and, although the ship, when insured, was a total loss, he recovered his insurance. The total sum thus recovered amounted to £18,000 on a ship valued at only £8,000 by the owners themselves. No doubt, that was an extreme case; but other cases in which underwriters were called upon to pay the shipowners a sum considerably in excess of that which was necessary to provide an indemnity were of frequent occurrence. He would now refer briefly to the various descriptions of marine policies, and point out the anomalies which arose under them. The first was the valued policy, in which the value of a ship or goods was stated on the face of the policy. It might be reasonably supposed that where the value stated was considerably in excess of the real value of the ship or goods, the Courts would refuse to sanction such over-valuation; but that was not the doctrine held in our Courts of Law. Underwriters were not allowed to set aside the value, as stated in the valued policy, except upon plea and proof of fraud. When they turned from the commercial aspect of the question to those larger considerations which had reference to the safety of life at sea, he thought hon. Members would be disposed to agree with the opinion of Mr. Justice Willes, in an able Memorandum which he had written upon the subject of Marine Insurance, in which he said—

“The system of valued policies, whatever its convenience, and it is great, does encourage fraudulently disposed people to put a high value on comparatively worthless vessels, and gives them an interest in the loss of their property.”

Mr. Justice Willes had suggested a remedy for this state of things, and it was approved by the late Mr. Lamport, Mr. Stephenson, some time secretary to Lloyd's, by Mr. Squarey, Mr. Farrer, and other authorities of equal eminence. These gentlemen agreed to adopt this recommendation—namely, that where an underwriter had reason to believe that the value in the policy was excessive, he should be allowed to plead such over-valuation as a defence to an action on the policy; and the late Mr. Lamport, a practical shipowner, gave it as his opinion that the change proposed would not lead to unnecessary litigation, and that in 99 cases out of 100 no dispute would arise; but that, on the other

hand, shipowners when they knew that excessive valuations could not be recovered in the Courts of Law, would not be disposed to pay the premiums for insuring their vessels to excessive amounts. The next description of policy was the open policy, in which the value of the ship or goods was not stated on the face of the policy. The principal anomaly in this case arose in connection with the insurance on freight. The doctrine of our law was, that where a loss occurred the amount recoverable from the underwriter should be the gross freight payable by the shipper or merchant to the shipowner. To show how this worked in practice he would take a case put before the Commission by Mr. Farrer. A steamer of 1,200 tons bound for Calcutta and back through the Suez Canal, with a chartered freight on the outward and homeward voyage of £12,000, was insured in an open policy at the full value. Suppose the ship to be lost on the outward voyage, in the Bay of Biscay, the shipowner was entitled to recover the gross freight of £12,000, although by the loss of his ship at the commencement of her voyage he had avoided paying for Suez Canal dues both ways £1,200, for coals at Calcutta £1,600, as well as the expenses for provisions at Calcutta, wages to the crew, and port charges at Calcutta and London. The total saving by the loss of the vessel at the commencement of the voyage would thus amount to £4,500. Now, he asked whether a law could be considered satisfactory which permitted the shipowner to derive such an immense advantage, if his ship were lost almost immediately after leaving port, instead of completing the voyage for which she had been insured. The remedy suggested for removing this anomaly was this—that where a loss occurred, the underwriter should be entitled to deduct from the amount payable to the shipowner those expenses which he had actually saved by the loss of his vessel. He knew that this rule might be defeated, if shipowners were to insist on the freight being paid by merchants in advance; for it was a rule of our law that if a ship were lost the merchant could not recover the freight he had paid in advance. But that was a doctrine peculiar to our law, and it had recently been disapproved of by the Lord Chief Justice and other Judges. It could not,

however, be reversed in an inferior Court, until it was reversed by the House of Lords. The next class of policy was the voyage policy, in which the implied warranty of seaworthiness only existed at the commencement of the voyage. There was, therefore, in so far as the law of Marine Insurance was concerned, no motive acting upon the shipowners or the master to keep the ship in a seaworthy condition; and this anomaly seemed to him to be the more remarkable, because the voyage outward and homeward was treated as one voyage. Mr. Harper, in his evidence, stated that it had happened within his knowledge that a ship from London to Shanghai had received considerable damage on the outward voyage, had discharged her cargo at Shanghai, had not been repaired, had taken in cargo for the homeward voyage, and had set forth in such a condition that there was great risk of her foundering. She had foundered, and because there was no implied seaworthiness on the departure of the vessel from Shanghai, the underwriters had been held liable to pay the insurance to the shipowner. This anomaly of the law might be removed if there was, as he believed there was in the American law, a continued implied warranty of seaworthiness throughout the voyage. He came now to the last form of policy—a time policy. Upon that there was no implied warranty of seaworthiness. The hon. Member for Hull (Mr. Norwood), in his evidence, explained that it might frequently happen that when a shipowner was effecting an insurance on his ship he might not have obtained tidings of her for a considerable period, and, therefore, it would be unreasonable to ask him to give a warranty of seaworthiness. Mr. Butt, another of the witnesses who appeared before the Commission, suggested that the warranty of seaworthiness should commence at the time of the departure of the ship insured from the first port visited after the insurance was effected, where means existed for making repairs, should repairs be necessary. He would now point out the anomalous position the shipowners and the proprietors of goods respectively occupied under the operations of the rules of law relating to voyage policies and time policies. There being no implied warranty for seaworthiness under

a time policy, the shipowner could recover even if the ship was not seaworthy. On the other hand, the proprietor of goods could only insure under a voyage policy, and therefore, although the vessel in which his goods were shipped might be unseaworthy, he could not recover. There was obvious inconsistency in this state of things. The shipowner, who had the real control over his ship, and was responsible for her equipment, could recover his insurance, even though he had neglected his duty: whereas the proprietor of goods, who was an innocent sufferer, could not recover, although he had no responsibility for the seaworthiness of the ship. The merchant had a remedy against the shipowners, but the bills of lading were so artfully contrived that the shipowner was enabled to contract himself entirely out of the obligation which would otherwise rest upon him to keep his ship in a seaworthy condition. It had been suggested, and it was well worthy of consideration, that no words introduced into the bill of lading should exonerate the shipowner from the obligation to keep his vessel in safe condition; and that the underwriter should not be held liable for loss, whether under the time or voyage policy, unless it were proved that the shipowner and shipmaster had used all reasonable efforts to make and keep the ship seaworthy. He hoped he had said enough to establish a case for inquiry, with a view to the amendment of the law. Underwriters and Insurance Companies who had the largest and most important business, conducted their affairs not so much in reliance upon the protection afforded by the law, as upon the character of those with whom they did business; and, on the other hand, underwriters in less fortunate positions were exposed to all the evil influences of excessive competition. Many of them, perhaps, were scarcely in a position to refuse to take a risk if a sufficiently tempting premium were offered. No partial measures would suffice to deal with this great question. Juries, as a rule, had been too partial to shipowners. The Royal Commission had recommended that a Judge and two Assessors should be substituted for the present tribunal for the trial of matters of this description; but what he wanted was a revision of the law by a small Commission com-

Mr. Brassey

posed of men eminent for their legal attainments, with whom should be associated persons conversant with the practice of Marine Insurance. The Commission also recommended a complete revision of the whole system of Insurance Law, and, in his opinion, if an international agreement could be arrived at on the subject, it would be for the advantage of the mercantile community. The law of Marine Insurance was composed of materials drawn from the custom of merchants, the Statutes of the Realm, and the decisions of able and impartial Judges, and should not be altered without the most careful consideration of the probable effect of the changes proposed in relation to the seaworthiness of our shipping. Because abuses had grown up in the law, Marine Insurance must not, on that account, be condemned. The Commissioners would have before them a task of great importance, difficulty, and delicacy. He did not urge any hasty action in this matter. He was well aware that a full inquiry was an essential preliminary to legislation, and he ventured to hope that the inquiry might be extended to other countries. He knew how unjust it was to draw up a severe indictment against shipowners as a class. Sometimes they were condemned as men who conducted their business on the most selfish principles. Shipowners, as a rule, made moderate profits, and they had passed through many dark periods of depression. In shipping, as in every profession and every industry in this country, the pressure of competition was keenly felt, and where unjustifiable risks were run, in most cases it would be found that the owners were struggling to make both ends meet. It would ill become the successor of a fortunate man of business to pass a harsh or ungenerous judgment on the conduct of men whose errors were chiefly due to an insufficiency of means. He understood the Government had in contemplation a Committee to prosecute an inquiry into the subject. But no mere Departmental Committee would have the authority which would attach to a Royal Commission, working under the presidency of an eminent Judge. If they could not succeed in compelling every shipowner to be to a certain extent his own insurer; or, if they could prevent excessive valuation, all other legislation with a view to the safety of life at sea would become superfluous.

Those who were opposed to load-lines and surveys said truly that the commercial instinct of the shipowner, and the experience of the shipmaster, were the most reliable guarantee for the seaworthiness of shipping, and that Government surveyors could not have the same practical knowledge as persons actually engaged in the trade. But that commercial instinct must be less keen and less acute, when, by the over-valuation of the ship and freight, the owner stood to win and not to lose by the loss of his ship. The aim of future legislation must therefore be to confine Marine Insurance to a single contract of indemnity. Thus limited, it might justly be regarded — to use the language of Jeremy Bentham — as —

“One of the most beneficial inventions of civilized society. No one will neglect his actual possessions, a good certain and present, with the hope of recovering in case of loss only an equivalent for the thing lost, and even, at the most, an equivalent. To this, let it be added, that the recovery cannot be obtained without care and expense, and that there must be a transient privation.”

In conclusion, he would refer to some personal experience of his own. At the close of last year he spent a month afloat on the Bosphorus, watching day by day busy the traffic in those pleasant waters. The pride an Englishman must feel at seeing the flag of his own country displayed by so many ships; but that feeling was tempered by regret that, amid that fleet, on the whole so admirably adapted to its purpose, there were some vessels of a very different character, bad in design, or more often grossly overlaid. When he compared the buoyant trim which he thought necessary in his little vessel, with the heavily-laden steamers in which he saw so many poor fellows starting for their homes, homes which, alas! they were destined never to reach, he made a vow that he would do his best to secure for the British seaman that care and protection which would never be secured until the law of Marine Insurance was reformed.

SIR JOHN LUBBOCK said, he was sure that every one would admit the great importance of the question before the House. It was a melancholy subject to reflect upon, for the Report of the recent Commission on Unseaworthy Ships showed that in three years 3,300 vessels, representing 1,000,000 tons of shipping, and involving a very large loss of life,

had been wrecked. Even, however, as far as the mere destruction of property was concerned, it would be a great mistake to look upon this as essentially either an underwriter's or a shipowner's question. The underwriter covered himself by increase of premium, the shipowner covered himself by raising freights, and the real loss fell upon the consumer, who had to pay more for the goods he required. That this immense loss was to a certain extent due to preventable causes was generally admitted, and Her Majesty's Government had brought in a Bill upon the subject, which he hoped might do good; but which, after all, did not go to the root of the question. He had not much confidence in Government inspection, as he feared that it would tend to become a form which would give little security to the public, and would tend to relieve the shipowners from responsibility, while inflicting on them unnecessary annoyance and vexatious interference. The only real mode of checking the evil was, in his opinion, to act upon the motives of the shipowner. The House knew what had been done by shipowning companies which took the sole care of their own vessels. One great company had, indeed, landed more passengers than they took on board. They also knew how seldom vessels from Australia with gold cargoes went to the bottom and took the gold with them. It was very far from his wish, however, to make any attack on shipowners. On the contrary, it was certainly their interest that the law should not only be clear and consistent, but such as to offer all possible encouragement to care and prudence. In the present state of the law, however, it was actually in some cases better for the shipowner, in a pecuniary point of view, that his ship should be lost. Surely, such a state of things was entirely contrary to public policy, and the true principles of insurance. Insurance ought to be a contract of indemnity. The present state of the law, however, in regard to it was most inconsistent. A person could not over-insure against fire, and it was contrary to law to insure a life in which the insurer had no pecuniary interest. The compensation awarded to sufferers by railway accidents had a tendency to render the companies more careful. Supposing, however, that a railway company could actually make a profit out of a bad accident, would the

public stand such a state of the law, which would be most injurious to the public interest? Even this, however, was hardly a parallel case, but suppose the stationmaster and pointsmen could make a large profit out of a fatal accident, was it not obvious that this would add one more to the terrors of railway travelling, and would certainly not conduce to the safety of passengers? There seemed to be three points which specially required attention—namely over-insurance, insurance of gross freight, and the law as regarded seaworthiness on time policies—that it, when a ship is insured for, say, six months or a year. As regarded the first, Mr. Harper called the attention of the Commission to a case in which a shipowner had insured his vessel for £36,000. She was abandoned by her crew, but subsequently picked up and brought into port. It was found that it would take £16,000 to repair her thoroughly. On that, the shipowner claimed for a constructive total loss, swearing that the ship, though insured for £36,000, was really only worth £15,000. He proved, in fact, that this was the case, and the underwriters actually had to pay £36,000, on the express ground that the vessel was really only worth £15,000. In the case of "*Barker v. Janson*" a vessel was insured for £8,000, she being at that time, though unknown to the owners, a mere wreck and, in fact, valueless. Yet the Court held that, under the existing state of the law, the insurers were bound to pay. Mr. Stevenson, then Secretary to Lloyd's, truly pointed out that if a vessel worth £20,000 is insured for £30,000, the shipowner virtually insures for £20,000, and then bets £10,000 that she will go to the bottom. Again, in the case of freight, the over-insurance of freight was surely very objectionable. Last year, for instance, a vessel sailed from Quebec for Liverpool. The freight, as per charter party, amounted to £3,500, but was insured and valued for £6,000. The ship was lost in the River St. Lawrence. Now, if she had completed her voyage prosperously, the owner would have earned £3,500, less, at least, £1,000 for wages, &c., so that his net receipt would not have exceeded £2,500, while because the voyage was not successful, because the ship was wrecked, he got £6,000. Another markable anomaly in the present state

Sir John Lubbock

of the law was, that while the question of seaworthiness could be raised in the case of a policy on goods, or on a ship if insured for a voyage, it could not be opened on an insurance for time. As regarded the sailors, the law only allowed them their wages up to the time a vessel was lost, and had always held that a seaman could not insure his wages, for it was obvious that if he could, you would weaken his motives for bringing the voyage to a successful termination. It was stated in evidence that all the mutual insurance clubs forbade over-insurance. Surely that was a very remarkable fact? The present state of the law was condemned by the highest authorities. Benecke, in his great work on Insurance, said—

“The consequences of over valuation are so dangerous that they deserve the attention not only of underwriters, but even of the Legislature.”

Arnould, another standard authority, truly said that—

“The very essence of the contract of Marine Insurance is that it is a contract of indemnity And its whole spirit is violated if the insurer can make the occurrence of such casualties a means of gain, for this would give him an interest in procuring sea losses, which would be opposed to every principle of commercial policy.”

The Committee of Lloyd's also unanimously passed a resolution, calling the attention of the Commission to the anomalous state of the law in reference to unseaworthiness of ships as applicable to policies of insurance for time, compared with policies of insurance on voyages. Chief Justice Best said, in the case of “*Murphy v. Bell*,” the temptation to fraudulent insurances thus given was very great. Chief Justice Cockburn, in the case of “*Byrne v. Schiller*” said our Marine Insurance law was founded on principles which were erroneous and directly opposite to those on which the laws of America and of every country in Europe but England was founded. Mr. Cohen, one of our highest legal authorities, and Mr. Justice Keating entertained the same view. From this it appeared that the unsatisfactory state of the existing law on the subject had been pointed out over and over again by the Judges in our Courts; and the Duke of Somerset, as Chairman of the Commission on Unseaworthy Ships, had summed up the matter by saying that, in the opinion of the Judges, not only did our law

differ from that of every other country, but that the law of other countries was right, and ours was wrong. It was true that the Commission did not feel itself able to recommend any particular changes in the law; but they expressed themselves strongly in favour of extended examination, such as was recommended by the hon. Member for Hastings (Mr. T. Brassey). Of course, he (Sir John Lubbock) did not deny that in some respects the present state of the law had its advantages. For instance, it was convenient to settle the value beforehand in the case of freights; but if the insurance were to be on the real value, he believed there would be no practical difficulty in arriving at the amount, and it must be remembered that the Admiralty Court constantly had to do so in cases where one ship had been run down by another. It was alleged that such a change would increase litigation, but both Mr. Hollams and Mr. Walton, the two solicitors selected by the Commission to give evidence on that part of the subject, believed that, on the contrary, it would actually have a tendency to diminish law suits. In fire insurance there was very seldom any litigation about the value of the property insured. Moreover, in Marine Insurances, the value had to be considered in all cases of average—that was of damage—but, practically, that rarely led to litigation. Moreover, though it would of course be very undesirable to do anything which would tend to increase litigation, still they must remember that they were here dealing with a case involving not only property, but life; and a state of the law which tended to diminish the motives for prudence on the part of shipowners, which made carelessness in some cases advantageous, and wrecks profitable, could not conduce to safety at sea, or to the public advantage. That was really not an underwriters' question. It was a question not only for honest shipowners, who suffered from the law as it now stood, because they had to pay higher premiums than would otherwise be necessary; but also for the public, on whom, in reality, these losses ultimately fell in the shape of increased prices. When there had been so decided an expression of opinion on the subject from those best qualified to judge, he could not help thinking that there was a strong case at any rate for inquiry.

The question was, no doubt, one of much difficulty. But he thought there were strong grounds for considering that the law with regard to ships should be assimilated to the law with regard to fire and life; as anything which enabled persons to make a profit out of the losses of others, though it might not lead to conscious fraud, tended to weaken the incentives to care and caution, on which safety at sea so much depended.

MR. J. W. BARCLAY, who had given Notice of an Amendment to the Motion to leave out all the words after the word "law," and insert—

"And to consider and report whether Marine Insurance on ships and freights should be established on the principle of indemnity for loss, or whether the amount covered should not be limited, so that the shipowner should have in every case to bear some portion of the loss arising from any disaster to his vessel,"

said, : I think I ought to explain to the House that, as member for some years of a Local Marine Board, and engaged to a limited extent in underwriting and shipowning, I have had some experience on the subject now before the House. I may add that I have devoted some consideration and inquiry to the question. In giving Notice of the Amendment, I did so in no spirit of hostility to the Motion of the hon. Member, but because I thought that the Committee which he intended to move for should embrace a somewhat wider scope, and, instead of confining itself to the question of indemnity, should inquire whether it would not be advantageous and also practicable to establish Marine Insurance on such a basis that the shipowner would in every case have a pecuniary interest in the safety of his vessel. So far as Marine Insurance concerns underwriters and shipowners, the principle on which it is based may be that of indemnity for loss; but as between the shipowner and the public, a broad question of public policy is involved. The shipowner is engaged in a hazardous business, in which not only his property is concerned, but also the property, and, above all, the lives of others. He undertakes to convey the lives and property of others safely through the perils and dangers of a voyage, except only such as cannot be avoided or overcome by human ingenuity, forethought, and care. The public are entitled to assume that a shipowner exer-

cises all possible precaution and forethought to accomplish the contract which he has undertaken—that is, to carry, so far as humanly possible, the lives and property entrusted to him safely to their destination. But, Sir, shipowners, it is admitted, do not exercise all the diligence and care which the public have a right to expect. It is unnecessary for me to argue in support of this, because all our legislation referring to the Mercantile Marine is based upon that assumption, and the question now really before us is—How can we best ensure that the shipowner shall take all the forethought and all the diligence which the public are entitled to expect of him? Parliament has attempted to accomplish this hitherto by legislation; but it is admitted that the legislation, while very harassing to the business of the shipowners, has failed in its objects. Casualties on our coasts seem to be rather fewer than they were some years ago, but those in the over-sea trade are considerably more numerous. It is unnecessary for me to refer to the enormous loss of life which from year to year takes place, because that has been very ably and persistently brought before the public by the hon. Member for Derby (Mr. Plimsoll). But, in a national point of view, these losses are a subject for grave consideration. During the last two years the value of the ships and property lost at sea has probably been considerably over £10,000,000; and although, in the first instance, this loss is a question between the shipowners and the underwriters, the £10,000,000 are nevertheless so much loss to the wealth of the nation. Now, Sir, our legislation being admitted to have been so far unsuccessful, it is to be considered whether some other means cannot be devised to ensure that the shipowners shall exercise all the care and attention humanly possible to prevent this great loss of life and property. It will be generally admitted that the most certain way of ensuring the discharge of duty is to make it the interest of the individual that the duty be well and faithfully performed. Now, the Amendment of which I gave Notice indicates how this interest is to be secured. If the shipowner in every case had to bear a certain proportion of the loss arising from any casualty to his vessel, and that proportion were of such an ade-

Sir John Lubbock

quate amount that it would be greater than any saving he could make by improperly conducting his business, it would ensure the shipowners' necessary care and attention to do his best in securing the safety of his vessel, and to carry on his business in as efficient and proper a manner as the public can expect. But what is the present state of matters? The shipowner may not only insure his ship to the full value, but even over that amount. He may insure not only the freight which is in the ship's bottom, but also the amount of all the prospective freight which he is to earn for the coming 12 months; and, beyond that, he may insure outfits. The consequence is, that under the existing law there is the anomaly that everyone interested in the adventure may have a risk except the shipowner himself. Now, can a shipowner who has already perfectly secured himself of the success of the adventure, whether his vessel accomplish her voyage in safety or not, be expected to take the same care to make the adventure successful as if he had money at stake on the issue? So long as such a state of matters is allowed to exist, can other results be expected than what have actually taken place? I do not think that many vessels are wilfully lost. Such cases are rare; but I do think that many losses occur which increased care on the part of the shipbuilder, the shipowner, the captain, or the crew might have prevented, and what we want is some mainspring or motive which will exert a wholesome influence, either directly or indirectly, on all engaged in the construction, management, or navigation of a vessel. In support of these views, I shall refer only to one paragraph of the Report of the Royal Commission, though the same view was supported by many witnesses. The Commissioners say—

"The system of Marine Insurance, while it protects the shipowners against losses which would otherwise be ruinous, tends to render them less careful in the management of their ships."

But, Sir, I have made certain inquiries in order to satisfy myself how far it might be practicable to carry out the view indicated, and what results might be expected. As I had the opportunity of making myself best acquainted with matters in Aberdeen, I investigated the state of the shipping at that port in re-

gard to insurance. The tonnage belonging to the port consists of about 195 ships, of together over 100,000 tons. Now, 38 of these ships, altogether 37,000 tons, more than two-thirds of the whole belong to three firms, and are practically uninsured. Well, the result of their experience of maritime casualties, extending over a period of 10 years, and in some cases very much longer, has been that the loss arising from casualties to their vessels did not exceed one-third or one-fourth of the premium which would have been charged for insuring these vessels in the open market. I might refer also to cases of a similar character which are well known in Glasgow, Leith, Liverpool, and London. One of the witnesses told the Commission that he had only lost 2 out of 21 vessels in 20 years, and that was by collision. The case of one firm largely engaged in shipping in the East has been specially brought to my notice. This firm own vessels to the value of nearly £250,000, trading in the India and China seas. These vessels are only partially insured. The premium for what is insured is about £7 7s., but the portion uninsured has cost the company only about 1½ per cent. In this case I am informed the captains are highly paid, that they never leave the service, and that they are unrestricted as to the number and quality of their crew. To this last more particularly the owners ascribe their freedom from casualty. Two years ago they sold one of their steamers, and that vessel has since been once ashore, once put into port in distress, and has since been abandoned. Other two steamers which they sold were lost shortly afterwards. Now, these cases indicate that more than three-fourths of the casualties for which underwriters are called upon to pay are casualties which it is possible to avoid. I do not see that there are exceptional circumstances in the cases to which I have referred beyond due care and diligence which could have reduced the loss so much. But, assuming that only one-half of the casualties could be avoided, we see to how great an extent the loss of life and property would be avoided if the same care and diligence were exercised by all as are exercised in the cases of which I have spoken. I think that the probability of accomplishing so great a result fully justifies the

appointment of a Royal Commission, as it is proposed by the intended Motion of my hon. Friend. Sir, it will doubtless be admitted by many that the principle which is recommended would have the effect which I anticipate, provided it could be carried out; and I may be expected to indicate how the plan may be put in operation. I propose that insurance both of ships and freight should be so limited as to bring on the owner himself what may be considered an adequate portion of the risk. As regards freight, there does not appear to be much difficulty. There is always the evidence of the charter-parties and the bills of lading of the vessels; but as regards the value of the ship, there is doubtless considerable difficulty. If it was necessary to determine the value of the vessel as closely as if she were passing from one owner to another, I think the proposal would be impracticable; but it is to be observed that any error in the value of the vessel by estimating her too high or too low merely makes a difference in the amount which the owner will have to risk. I think the value of the vessel may be ascertained with sufficient approximation for this purpose. I do not think it would be practicable to carry on the business of underwriting under policies which could be opened, and therefore the value of a vessel ought to be determined at the time or before the insurance is effected. In order to carry out this view, as well as to exercise such control over the shipping as may be found necessary, our Local Marine Boards ought to be reconstructed on a wider basis. If at the various ports where such Boards are necessary they were of a representative character, representing all the interests concerned—the public, the shipbuilder, shipowner, and the crew—if these Boards were authorized to employ a surveyor and legal assessor, and if their meetings were open to the public, I should expect to see them exercise in the best manner possible what supervision may be necessary and advisable for our Mercantile Marine. When a shipowner desired to insure his ship he would apply to the Local Marine Board to value her. That valuation would go before a committee of the Board, at which the shipowner should be allowed to express his views, and so the value of the ship would be ascertained with suffi-

cient closeness for the purpose required. When a casualty occurred to the vessel the surveyor of the Local Marine Board would give a certificate of her value and of the ownership, which would be presented along with the average statement to the underwriters, and they would mark on the certificate the amount which they had respectively paid to the various owners. It may be objected that this system would be evaded by what is known as honour policies; but I think a simple provision might obviate this difficulty. In the first place I think, if the amount of risk which the owner would have to bear was a reasonable and fair amount, the underwriters and others interested would support the laws, and not insure beyond the legal proportion; but if honour policies were still attempted, they should be made illegal, and provision made that the ordinary policies should have the benefit of any amount which was covered by honour policies. For instance, if £5,000 were the proper amount to insure upon a vessel, and the shipowner endeavoured to cover £6,000—£5,000 by an ordinary policy and £1,000 by an honour policy—the lawful underwriters could be called on to pay only £4,000, leaving the honour policy underwriter and the shipowner to settle the remaining £1,000 as they pleased outside the law. I may say in passing that I would not interfere with these associations which at present exist for covering risks outside those covered by ordinary policies, because I should consider it sufficient to have the certain definite risk I propose. The principle I recommend is not altogether exceptional. According to the law, the sailor cannot insure his wages for the voyage, on the ground that he would have no interest in doing his duty and completing the voyage. But I do not see any material difference in principle between the position of the sailor and that of the shipowner. I shall only notice some of the objections which may be urged to this proposal, because I consider it unnecessary to establish the whole case, but simply to bring forward sufficient evidence to justify inquiry by a Royal Commission. It is unnecessary to reply to the argument that it is an interference with freedom of contract, because the same argument applies to all our shipping legislation. This proposal is recommended on the ground that under

Mr. J. W. Barclay

it a great deal of legislative interference at present existing might be dispensed with. I shall doubtless be told that it will seriously affect the small ship-owners. That was the view which occurred to myself at the first aspect of the proposal, and in order to satisfy myself as to this, I made inquiry as to the insurance effected by the small ship-owners in Aberdeen. There are belonging to Aberdeen 37 vessels under 200 tons register, and I made special inquiry of the managing owners as to the proportion of insurance upon each vessel. The result of the inquiry was, that 9 were totally uninsured, 19 insured not exceeding half their value, 8 insured to a higher amount, and 1 fully insured. This last belonged to a wealthy company. It may also be objected that this proposal would drive some shipowners out of the business; but, Sir, I do not consider that any objection. It will be admitted, I think, that if the class of shipowners who do cause the enormous losses of which I speak were excluded from the business, it would be a great benefit not only to the Mercantile Marine, but also to the nation. The advantages which I should expect to arise to the shipowner apart from those to the nation are that he would be relieved of much vexatious and harassing legislation which presently exists, for we might very safely trust to the self-interest of individuals if that self-interest could be fully secured. In addition to that advantage the portion of the vessel which is insured would be insured at a cheaper rate. At present I am informed that underwriters will take vessels at 1 or 2 per cent less if they know the shipowner runs part of the risk. The great recommendation to the proposal which I have submitted is, that it would influence the conduct of the shipowner from the beginning to the end of his business. If the owner knew that he could not cover all his risk in the vessel he would be more careful to see that the framing of the ship was sufficiently strong, that she was well built, well manned, and fully equipped for the voyage on which she was entering. Were this motive acted on from first to last it would do more to insure the safety of our Mercantile Marine than all the legislation which it is possible to devise.

LORD ESLINGTON said, he was aware that they could not come to any

decision that night on that most difficult and delicate subject, and the only result of the conversation would be some suggestions, which he hoped the Government would take into their careful consideration. He must begin by explaining that the gentleman to whom reference had been made (Mr. Cohen) was a Royal Commissioner, and not a witness, and the evidence which had been attributed to him, was elicited in answer to questions put by him to witnesses. The first suggestion he would offer to the House was the necessity of the greatest possible caution in dealing with or legislating upon this subject. The Royal Commissioners themselves had proceeded with very great caution. They felt that Insurance was the basis of the vast mercantile fabric which had been built upon it in this country, and there was danger in touching any of its great foundation stones. He therefore hoped the House would also show, not timidity, but reserve in forcing on the Government any specific propositions. The Commission felt that before that difficult question could be solved, a further investigation was absolutely necessary, and that it should be conducted by one or more Judges and by the ablest lawyers in London, assisted by a person practically conversant with Insurance. He was not there to say that what was the theory should not be the practice of Insurance—namely, that it should be an indemnity only against loss; but the question what was the value of a ship was more easily asked than answered. There were peculiar circumstances of time and locality attending the sending to sea of every ship known, only to the owner at the particular time, and which when taken fully into consideration, made a material difference, and put a special value on a ship. If they limited the insurance to three-fourths of the value, what was to prevent the owner from making a contract to protect him in respect of the margin uninsured? Many ships had undoubtedly been over-valued; but he had come to the conclusion that over-valuation was the small exception to the general rule. The reckless and improvident shipowner undoubtedly gained from over-valuation by the loss of the ship; but the prudent shipowner gained in the lower premium he had to pay by under-valuation; and in his case the amount of premium was a consideration as to whether he should

insure his vessel or not. He entirely agreed in the opinion expressed by the late Mr. Justice Willes, that any change in the law would be abortive, unless underwriters were seriously disposed to aid in giving it effect. If serious obstacles were imposed on Insurance, the business would inevitably be driven out of the country into the hands of foreigners. One of the greatest dangers to be apprehended was over-competition. Competition tended to relax surveys, and the rules of construction as to the strength of the vessels. Before he sat down, he should like to make one observation. He did not know whether "coming events cast their shadows before" in the announcement made by an hon. Member opposite of an intention on the part of the Government to appoint a Departmental Commission to inquire into this question, but he trusted the Government had not formed such a determination. As representing a mercantile community, he said such a Commission would not give satisfaction. The subject was full of difficulties which the greatest lawyers might hesitate to confront, and if a Departmental Commission were appointed, it would be known perfectly well that the persons forming it went into the inquiry with biased minds and a foregone conclusion. He wished the field to be perfectly clear, and the inquiry to be conducted by the ablest and most experienced men in the country, because they would have to perform a difficult and delicate task, on the execution of which would depend the attainment of a just and equitable solution, uninfluenced by sentimental considerations. He hoped the Government, if they had formed any such conclusion, would re-consider it, because a Departmental Commission could not carry on the inquiry satisfactorily to the country.

Mr. A. W. PEEL said, he was well aware of the great difficulties of the question, and that it was possible for underwriters and insurers to evade any legislation, unless it met with their approval; and unless Parliament gained the assent of the underwriters to legislation, it was liable to become waste legislation. The subject was so full of intricacies and delicacies that it was extremely difficult for an Act of Parliament to follow them through all their labyrinthine windings. In his evidence before the Commission, Mr. Harper

spoke strongly on the question, for he said that if insurance were done away with, the business of the country would be at an end. That might be an exaggerated way of putting it; but, at all events, it showed the feelings which actuated him. The Motion asked the House to assert the principle of "indemnity" as the principle of the contract of insurance, and the hon. Mover of the Amendment suggested a limitation insurance to two-thirds of the value; but that only shifted the difficulty, for the same conditions applied to the two-thirds as to the full value. While he would urge the granting of a Commission, he would say it would not be wise to limit it or shackle it in any way by assuming any principle, for the Commission ought to go into the whole question fully determined to see how it bore on all points. Indemnity might be an excellent principle to arrive at; but, judging from the Report of the Royal Commission, they were not yet in a position to say that indemnity and nothing more nor less, should be the principle of our legislation. Several witnesses before the Royal Commissioners were emphatic on this question. Mr. Stephenson, late secretary to Lloyd's, was asked by Mr. Cohen whether he would allow over-valuation—whether, if a policy were filled up at five times the real value of the ship, he would allow it to hold good—and he said—

"No, certainly not; if £20,000, for instance, is the absolute settled value of the ship, and if she is insured for £30,000, what practically happens is that you make two contracts; one is to pay £20,000 if the ship is lost, and the other is a bet of £10,000 she will not get home."

Mr. Stephenson, therefore, argued that no over-valuation should be allowed. Then a difficulty arose as to what over-valuation was, for what was over-valuation to one man was not over-valuation to another. The man who had embarked his whole on one vessel was entitled to say she was worth more to him than was a vessel of the same intrinsic value to a firm who had a line of vessels employed in an established trade, because the loss of one of those vessels would be a far less serious matter to the firm than would the loss of one vessel to the single owner, who would suffer incalculable injury as compared with his more wealthy rivals. Therefore such a man was entitled to say that the vessel

Lord Eslington

was worth to him more than the market price, and that, if he could effect an over-valuation on that account, he did not see why anybody should interfere with him so long as he paid the premium. It must not be supposed he was arguing that any amount of over-valuation should be allowed as between insurer and insured. Under the French law, while valuation was allowed, valuation was presumptive evidence of the value of a ship, which was liable to be rebutted by extrinsic evidence. So, under our law, everything might be vitiated by fraud. He would give the underwriter, if he supposed an excessive value was put on a ship, the opportunity to try the question in a Court of Law. Another reason why he would ask that the scope of the proposed Commission might be enlarged was, that other matters were involved; there were absurdities existing in our laws which it would be well worth the while of a Commission to inquire into if they bore on this question of indemnity. One of these related to the differences between time and voyage policies. In the case of a voyage policy seaworthiness was implied at the commencement of the voyage; but if the vessel, two days after sailing, put into another port and there became unseaworthy, she might leave that port without any obligation or responsibility attaching to the owner, although the unseaworthiness of the vessel might be notorious. In time policies there was no warranty of seaworthiness at all, and the reason of the law was, that on insuring a vessel in a distant part of the world it would not be right to the owner to make him responsible for that which he could not know. Could not these things be put on a proper footing, and seaworthiness implied both in time and voyage policies? Following the lead of the Royal Commission, he had sketched out clauses which he thought might be considered, providing—

“(1) That whether in a time policy or in a voyage policy there shall be an implied warranty on the part of the shipowners that the ship be and continue seaworthy; and (2) that in the case of any valued policy it shall be competent to the underwriter to plead that the sum claimed is in excess of the loss suffered, and that in open policies there shall be deducted from the value of freight claimed to be earned at the due termination of the voyage, such expenses as by reason of the loss of the ship have not been incurred.”

These points might be discussed in Committee. He hoped it was not true that the Government would be satisfied with a Departmental inquiry. The subject was beyond the capacity of the Department to master, and required the services of practical men and of lawyers able to take a survey of the whole legal bearings of the question. Last year he opposed the Bill introduced by the hon. Member (Mr. Plimsoll), on the ground that the Royal Commission had not yet reported, and that it was unfair to pre-judge the question. Although the question stood now in a different position, he was still strongly of opinion that it was not by a universal survey, or by legislation of the nature indicated by the hon. Member, that you would touch the acknowledged evil of the unseaworthy ships. He looked to other causes for the correction of this evil, and if the question of Insurance could only be probed to the bottom, he believed that more would be done to put our Mercantile Marine on a sound footing than by any other remedy that could be applied. If a Commission were appointed, he believed that evils would be exposed which would show we were at last on the right track in dealing with this question; but it must not be a Departmental inquiry.

MR. MACIVER said, he differed from the conclusions which had been arrived at by the noble Lord below him the Member for South Northumberland (Lord Easington). The Royal Commissioners had issued two Reports, the conclusions of which were timid and diffident—the first gave no opinion whatever on the subject, and the second merely echoed the evidence of the officers of the Board of Trade. These officers were most able men, but the duties thrown upon the Department had increased so much that they could no longer be satisfactorily discharged. The question before the House was not, however, in reference to that Board. It was one of insurance. Several hon. Members had referred to the disasters which took place at sea, and he considered that they had in no degree exaggerated the evils arising from over-facilities in regard to marine insurance. There was no doubt that preventible disasters existed to a very considerable extent; and if the hon. Member for Derby (Mr. Plimsoll) had made some mistakes, and exhibited indiscretion in making charges he could

not substantiate, yet the general scope of his allegations was perfectly true. He (Mr. MacIver) was no advocate for relieving shipowners of proper responsibility; but he thought that the responsibilities recommended by the Board of Trade and by the Royal Commissioners were a mere shadow that never had been, or could be, enforced. Under Clause 11 of the existing Act, it was already a misdemeanour intentionally to send unseaworthy ships to sea, and he (Mr. MacIver) asked the right hon. Gentleman the President of the Board of Trade how many prosecutions had taken place under the Act? The man who sent ships to sea intending to lose them, deserved to be hung; but, in truth, legislation failed because it aimed to remedy that which was not the disease. Ships were not, unless in the rarest instances, lost intentionally, or from anything that could constitute misdemeanour; but rather because it was nobody's interest in particular to make sure that they would go safely. The right hon. Gentleman the President of the Board of Trade had told the House that there had been four or five prosecutions, but with what result? Substantially none, and why? Not merely for the reasons stated, but because such legislation must nearly always necessarily fail. Dead men told no tales, and when ships went to the bottom, nothing could be proved. The only case he knew in which any real result had come of such a prosecution was one instituted against a Belfast firm, which despatched a miserable little coaster called the *Nimrod* from Belfast to the Clyde. If the *Nimrod* had foundered, the firm would have got free; but the vessel reached a port where the Board of Trade managed to stop her under their survey clauses, and the owners were now in gaol. The law, however, could be evaded, if owners took good care not to know that their ships were unseaworthy; and so it was not of the slightest use. The best passenger vessels in the country sailed under a very stringent survey, and that survey, though not as good as it might be, was a great source of safety to travellers. The question before the House, as he had said, was one of insurance. If it could be arranged that disasters at sea should be made unprofitable, a large class of preventible losses would practically cease. He could tell the House that over insur-

ance at Liverpool was exceedingly rare; indeed, so far as the great towns on the banks of the Mersey were concerned, it was utterly unknown, and underwriters there would look very coldly upon any owner who wanted deliberately to insure vessels for more than they were worth. There was certainly nothing in the nature of habitual or intentional over-insurance amongst shipowners in his part of the country; but there might sometimes be reasonable difference of opinion in regard to the value of a vessel, and even, in his own experience, he had seen builders of equal reputation tendering to build at figures varying as much as £10,000 or £12,000 from each other for the same article. He referred to passenger steamers; but even in regard to sailing vessels the varying value was in a different way almost equally marked. Vessels which were worth £7 per ton some years ago had since become worth £17, and at present were valued at £14 per ton. It would be seen, therefore, that it was very difficult to fix any definite and exact proportion in regard to value. There was, however, no such difficulty in the case of cargo; and over-insurance in regard to cargo happened to be the rule rather than the exception. The custom of trade, and especially in regard to bulk cargoes such as grain, coals, or iron, was for owners of cargo to insure a 10 per cent profit. Vessels so laden were those which most frequently went to the bottom. The merchant, broker, or charterer, were all insured, and their profits in each case were safe to them, provided only the vessel was lost: and it was not a question of only one, but frequently even of two profits, because if one cargo was lost there was another to replace it. The shipowner was, no doubt, also insured. Nobody meant the vessel to be lost; but, practically, it was not the interest of those persons to see that the vessel was not overladen. It would certainly occur to them to do so, if the loss of the vessel meant a loss of money to them. Something might be done in the way of remedying the evil in the direction of controlling insurances; but he did not think the appointment of another Royal Commission was the right way to set about it. Whilst giving all credit to the recent Commission for their honesty of purpose, he thought that the results of

Mr. MacIver

their enquiry offered little encouragement in regard to the appointment of a second Royal Commission upon what was practically a branch of the same subject; but in justification of the eminent men who composed the late Royal Commission, he would point out that they had many formidable difficulties to contend with. How could they get at the truth? Was it reasonable that the owners or builders of unseaworthy vessels, or any other interested persons, would voluntarily come before the Commissioners and give them information, or that the men who were obliged to make their living by going to sea in such vessels would tell them what they knew? The Commissioners sat in London; they had no power, so far as he was aware, to compel the attendance of witnesses, and there was no cross-examination of witnesses before them by counsel. No doubt, many valuable witnesses, who were anxious to tell the truth, appeared before the Commissioners; but others, he believed, attended for no other purpose than to throw dust in their eyes. On the second reading of the Merchant Shipping Bill, he hoped to give his reasons why the House should heartily support the President of the Board of Trade in his honest endeavour to bring about a better state of things, which, however, could only be done by referring the Government measure to a Committee of earnest men possessing such technical knowledge as would enable them to make its clauses effectual for the purposes intended.

SIR CHARLES ADDERLEY thought the hon. Gentleman who spoke last had somewhat wandered from the question before them, and had accused the Board of Trade of not prosecuting in cases in which, unfortunately, there was no evidence available to enable them to do so. He (Sir Charles Adderley) thought the question a very narrow one. It was not so much whether the House was satisfied with the existing state of the law, as of the mode in which reform should be made. He took a deep interest in the subject of Marine Insurance, because he believed it lay at the foundation of the amendment of the law which he had in hand at that moment, relating to the safety of our merchant ships, and the prevention of recklessness in our Mercantile Marine. The House could come, on the present occasion, to no issue upon

the Motion; but he was very glad that it had been raised by the hon. Member for Hastings (Mr. T. Brassey), who was in every way most qualified to bring the subject before the House, not merely by reason of his own practical acquaintance with it, or the weight he had in that House, but also because he was a Member of the Royal Commission on Unseaworthy Ships which had lately reported. Every one would agree that the state of the law of Marine Insurance was not satisfactory, and that preparation should be made to deal with such an unsatisfactory state of the law. It could hardly be satisfactory that a law of any kind should be absolutely conflicting with its own avowed principle; and yet that was the case here, because the principle of Marine Insurance, as laid down by all recognized authorities, was the principle of indemnity for loss, and yet the decisions of the Judges had from time to time widely departed from that principle to meet the case of contracts voluntarily entered into. The practice of the law was such as to make it in many instances a gain to the shipowner to lose his ships; there were cases of actual intentional over-insurance; and he maintained that over-insurance differed only in name from a wagering policy, which was distinctly illegal under the Act of George II. Not only might shipowners gain by the loss of their ships, but others might recover less than they ought to do under the principle of indemnity for actual loss, for there were cases in which the underwriter was discharged from his liability owing to some latent defect for which the shipowner was not responsible, and of which he knew nothing. In every way, therefore, the law in practice contradicted its theory. Against a revision of the law it had been argued, in the first place, that it was dangerous to disturb the commercial usages of a country like this. But the marine laws of the country must, of necessity, be in perpetual change more or less to meet the many changing requirements of the times; and when he considered that what was under consideration was not a change, but simply a restoration of the principle of the law, he could not admit the objection to be valid. Another objection was, that the market value of a ship might not be the virtual value to its owner. It was perfectly true that its value might be greater

to one man than to another, or greater at one time than at another, but no principle of law could meet such accidental circumstances. There must be some definite and fixed principle. There could be no insurance of fancy value, no insurance of adventitious advantages or of an indefinite or accidental proprietary stake. If there was to be a clear principle of insurance, there must be a definite test of value. It had been argued, further, that Parliament had nothing to do with the matter—that it was a question between the underwriters and the shipowners. But surely the fact that the public safety was concerned gave Parliament a right and obligation to interfere. As long as a total loss might be more lucrative than a partial loss, or than actual safety, it was not in human nature for the shipowner to take as much care in the selection of master and crew and in attending to the general condition of his ship as he would do if he felt that he incurred a risk by any casualty. In the interest of the public safety, therefore, Parliament had not only a right, but was under a duty to interfere. It was not to be expected, considering the keen competition that existed between insurance offices, that the underwriters would take it upon themselves to keep down policies to strict indemnity, and there was a diversity of interest among the shipowners also, which made it unlikely that the needed reform would come from them. The Royal Commission to whose Report so much reference had been made entered very fully into this question of Marine Insurance. They regarded it as of great importance in connection with the subject they had in hand. They declared that it ought to be dealt with, and that it called for careful consideration. He deferred very much to that Report, and the only point on which he differed from the hon. Member for Hastings was as to the mode of dealing with the subject. Unless it was desired to postpone a settlement of the matter, there was no need for another Royal Commission. The evidence of the men best acquainted with the subject in this country had been obtained. It was no longer a question of facts, but a question of policy; and, that being the case, he thought the Government ought to take it up themselves. He did not mean to say that

Sir Charles Adderley

the Government was ready to propose a measure at once. Had he when introducing the Merchant Shipping Bill brought in a measure with it on Marine Insurance he should have been precipitate. Consultation, and important information from men eminent in the law and others, as well at home as from foreign countries, was essential to sound and durable legislation on the subject. He did not propose, however, to wait for an international measure, although it would be advantageous to get other maritime nations to agree with us. In passing, he would say that he did not fear legislating separately for this country as likely to drive men to foreign insurance—he did not think English shipowners were likely to show an excessive desire to insure abroad. The fear that they would was only a bugbear in the discussion, for Englishmen knew their advantages in insuring here, and how difficult it was in some cases to recover foreign insurances. What he wanted was, to ascertain the experience of other maritime countries as to the different systems prevailing among them; and with that object he had ventured, in conjunction with the noble Lord at the head of the Foreign Office, to circulate a list of questions which would serve to elicit the desired information. These questions had been forwarded to the Governments of maritime countries some weeks ago, and he would place a copy of them forthwith on the Table of the House. He hoped the House would share the views he had expressed, and be of opinion that no second Commission was required; but that the Government should take the subject into their own hands, and collect such further information as they thought necessary to enable them to deal with it. In that way, he believed the views put forward by the hon. Member for Hastings would be more effectually met than by the adoption of any Resolution such as the one which had been placed upon the Paper.

MR. T. E. SMITH said, the subject had been too often treated as a shipowners' question, whereas not one-tenth part of the insurances applied to ships. The great bulk of the insurance business was done on cargoes, and thus it materially affected the whole trade of the country. He must assert, in opposition to a remark of the right hon. Gentleman

who had just spoken, that a very large proportion of the insurance of this country was at this moment done with foreign insurance companies. He was inclined to think that there ought to be some limitation placed upon the amount the shipowner should receive in the event of the loss of his ship, which would prevent him receiving more than the actual amount of damage he had sustained. Shipping property was very different from other kinds of property. Its market value was subject to fluctuations of various kinds. It was not bought for the purpose of sale; it resembled real property. A ship contracted for when the average cost of iron was £9 a-ton would increase in value when the average cost of iron was £16 or £17 a-ton, while the original cost of insurance would remain the same. The value of a ship at the time of her sale might greatly differ from what it was at the time of her construction; and care must, therefore, be taken that in regulating the insurance of vessels a premium was not offered upon cheap and bad ships to the discouragement of good and honestly built vessels. He trusted, therefore, that this subject would not be legislated upon in a hasty manner without taking the advice of practical and experienced men.

Mr. PLIMSOLL said, he wished to point out that a distinction ought to be drawn between insurance proper and underwriting. He should have no objection to the shipowner insuring his vessel for any amount he could procure, provided the person who took the responsibility retained it in all its integrity; but he did object to large policies being underwritten for small amounts, which did not give the parties sufficient interest to make the necessary preliminary inquiries. Such a course would not induce them to prosecute in the event of manifest fraud having been committed.

Mr. MACGREGOR said, the port he had the honour to represent contained a large number of seamen and of boys who went to sea, and he felt persuaded that the House was moving in the wrong direction on the present occasion. The hon. Member for Derby (Mr. Plimsoll) had spoken of the evil effects of having a large number of underwriters for small amounts. As a shipowner, he might inform the House that he had had no trouble whatever with the large com-

panies, but he had had a great deal of trouble with the small underwriters. He appealed to the shipowners throughout the country to say whether this was not their experience, and whether they would not pay more to the large companies to avoid them. Take, as an illustration, a vessel built in 1872, when iron and wages were very moderate. The vessel would be insured for 12 months at 8 per cent, and underwritten at 4 per cent, that would be a sum of £4,000. By 1873, through the advance of wages and material, the vessel could not have been replaced for £20,000. If insured again at the expiration of 12 months at a cost of 8 per cent, it would amount to a sum of £5,600; but during the currency of that policy the price of labour and material went down again, and if lost, the underwriters would only have to pay the original sum for which the vessel was built. He was perfectly sure that any disinterested Commission or Committee which sat upon the question would come to the conclusion that the proper time to value a ship was not after the vessel had become a loss, and could not be seen by anybody, as in the case of an insurance of a man's life, they might just as well hold an inquest after he was dead to ascertain whether he had ever been worth that money to anybody. He hoped great care would be taken in regard to this matter. He did not shrink from the fullest inquiry, and if it was to be held, he hoped it would be with a full determination to do right and justice to everybody, and that nothing would be done to injure the great Mercantile Marine of this country.

Mr. MACDONALD said, if he understood the hon. Member for Hastings (Mr. T. Brassey) rightly, he had brought the matter forward not so much in regard to the value of the ship, as with a view to promote the safety of human life. That being the case, the House ought to view the question not so much as one between underwriter and owner, as one affecting a large portion, and perhaps the least cared for portion, of the community—namely, the seamen of the Mercantile Marine. The time for legislation had undoubtedly arrived, and the Government was the proper party to deal with it. He was glad, therefore, that the right hon. Gentleman had spoken out in the manner he had done to-night. They had had the red rag of foreign

competition put before them once more; but they had heard the same thing in respect to factories and agricultural fields, when Bills in relation to them were before the House of Commons, and the fears entertained with regard to it had proved groundless. At the present moment what was our position in the world as a Maritime Power? Our flag was upon every sea and in every bay, the silly cry of foreign competition was absurd in these circumstances.

THE IRISH STATE PRISONERS.

OBSERVATIONS.

Mr. O'CONNOR POWER, who had a Notice on the Paper to call attention to the case of the Irish State Prisoners, and to move—

“That, in the opinion of this House, it is undesirable to continue the incarceration of persons who are now, and have been for many years, imprisoned for political offences,”

said, it was not, he could assure the House, his desire to oppose himself to the general current of public opinion within its walls; but the question he had to consider was not what the majority would do, but what, on a full and fair examination of the subject, the majority ought to do. Representing, as he did, one of the largest counties in Ireland, he did not hesitate in the name of his constituents to say that the continued incarceration of the Irish political prisoners was both impolitic and unjust. It would be desirable to know something more of the treatment of these persons while in prison, and he regretted to find so much of Party feeling manifested in treating on the question. The right hon. Gentleman the Home Secretary said the other evening that they were not political prisoners; but that was not the opinion of the right hon. Gentleman last year when, on a Motion for Returns as to the treatment of those prisoners, he said that some of them were being punished for offences which were not political. Now, however, the right hon. Gentleman had degraded all of them to the level of felons—in accordance with the invariable policy of the British Government, which was to lower the character of those who were their opponents in Ireland. In 1848 the then Viceroy of Ireland acknowledged that he employed a venal Press man to assail with every opprobrious epithet the

Mr. Macdonald

parties to whom he (Lord Clarendon) was politically opposed. He (Mr. O'Connor Power) was sure the right hon. Gentleman opposite (Mr. Disraeli) would scorn to adopt such a line of conduct towards the unfortunate Irish prisoners. The Returns to which he had referred stated the number of the prisoners in question as 18; whereas, the Amnesty Association stated the number to be 54. That, however, was a point he would not discuss. But, taking the number as 18, he was prepared to show that the offences of the prisoners were of a political character. Two of them, Edward Shore and Patrick Melady, were convicted in 1867 of being accessory to the murder of Sergeant Brett, in Manchester, and had been in penal servitude for eight years. Two others—Michael Davitt and John Wilson—were convicted in 1870 of treason-felony, and had been five years in prison. Colour-Sergeant M'Carthy was convicted with 13 others in 1866 (with the exception of John O'Brien, who was convicted in 1867) of various breaches of the Articles of War. With reference to the affair at Manchester, Sergeant Brett had nobly lost his life at the post of duty, and it was no reflection on the memory of that gallant officer that his death had been avenged. In November, 1867, three young Irishmen swung on the gallows at Manchester on account of his death, and five or six other persons had since endured penal servitude for their participation in the attack on the prison van, whereby Sergeant Brett had lost his life. In the abstract it appeared to him excessive cruelty to punish men whose offence had been expiated by three deaths and five years' penal imprisonment of five or six others. But he maintained that the offence was decidedly political. Two Fenian leaders, Colonel Kelly and Captain Deasy, came over from America to organize an insurrection in Ireland. Failing in the attempt, they took refuge in Manchester, where they fell into the hands of the police. A number of their followers, young, brave, patriotic, and enthusiastic, determined to release them. They attacked the police van in which the two leaders were being conveyed as it passed a railway bridge, in broad daylight, and to force open the door, fired a bullet into the lock which most unfortunately, and as he believed accidentally, wounded the ser-

geant and caused his death. To his mind, it was apparent that the men—however criminal their act, however gross a violation it might be of the law and Constitution—were acting from motives clearly and distinctly political. He (Mr. O'Connor Power) had had no communication with any of the prisoners except one, and he was an upright and disinterested man. Was it right now, after the vengeance already taken, to waste away the flower of that man's youth in a prison? Then with respect to Michael Davitt and John Wilson the Return described the offence as being treason-felony. On what ground was the right hon. Gentleman the Home Secretary entitled to call the offence felony and not treason, and not, therefore, a political offence? Then as to the manner in which those prisoners had been treated; he had letters in his possession which showed that they had been treated with unexceptional severity. If he were to read these letters he doubted very much whether their authenticity would be accepted. The Committee appointed to inquire into the allegations as to the ill-treatment of the Fenian prisoners had no doubt reported that such allegations were unfounded; but it should be recollected that all the prisoners with the exception of O'Donovan Rossa, had refused to give evidence, and he had only done so because when he (Mr. O'Connor Power's) predecessor, the late Mr. Moore, referred to the case of that prisoner, the predecessor of the present Home Secretary rose on that bench and denied in the most emphatic manner that O'Donovan Rossa had been handcuffed with his hands behind him for 35 days. He went further, and, however unintentionally, became the means of circulating an atrocious calumny, that O'Donovan Rossa had attempted to carry on a surreptitious correspondence with the wife of another man, for the purpose of carrying on a political intrigue. Yet when a special investigation was held into the circumstances of that case the assertion was proved to be a calumny, and O'Donovan Rossa was acquitted of it, and complimented by the Commissioners upon the manliness and uprightness with which he had acted in the matter. As regarded Davitt, he had himself applied to the former Home Secretary to be allowed to visit Davitt, representing to him that he had not received a single

visitor for five years. His request was refused by the Home Secretary in a very curt letter. He was unable, therefore, to judge for himself upon the merits of Davitt's case; but if a letter he had seen in *The Irishman*, purporting to come from him, really came from him, he would stake his life on the veracity of his statements. He trusted he need not stop to point out to the House the relevancy of his remarks on the subject of prison treatment, for he wished to show that it had been very severe in the case of these prisoners; and he thought the fact that they had been subject to it—some for five or six, and the greater number of them for a period of nine years—supplied in itself a sufficient reason why they should now be restored to liberty. There was a suspicion in the public mind in Ireland that discipline was still enforced with exceptional severity in the case of political prisoners, and he must say the manner in which the Government met his Motion for Returns last year, had not been calculated to allay those suspicions. It might be admitted, perhaps, that Davitt and Wilson were political prisoners, but that the same description did not apply to the soldiers who broke their oaths and abandoned the standard of the Queen in order to join the ranks of the conspirators. He was not there to defend soldiers who broke their oaths, but were they the only soldiers who had done so? Had not Churchill broken his oath to his Sovereign James and gone over to the King whom hon. Gentlemen opposite delighted to honour; and did not the pious and immortal William, Prince of Orange, make him Duke of Marlborough as a reward for his perfidy? In fact, historians referred to that very period as that at which was first to be noted the rising greatness of the British Constitution. The ranks of the British Army were principally recruited from the class of young men who, suffering under the pressure of hard circumstances, make a virtue of necessity by adopting the soldier's glorious trade, and of all the servants of the Crown who might be expected to know the value of an oath, the class of Army recruits was certainly the last. He (Mr. O'Connor Power) could never understand how a civilian could be in any appreciable degree bound to be less loyal than the military subjects of the Crown. Loyalty must surely be traceable to higher sources to be

binding on the conscience of an honourable man. He remembered that in 1848 Mr. Smith O'Brien took the oath of allegiance at the Table of the House; but though he subsequently broke that vow he was, three years after conviction, pardoned by the Crown and allowed to return to Ireland. Why, then, should not similar clemency be extended to the soldier M'Carthy? There were many such cases, and he did not see, therefore, why these military prisoners should be treated with so much and such continued rigour. Did not Marshal Serrano and the officers who acted with him in overthrowing Queen Isabella of Spain break their oaths, and yet had not our Government recognized the Administration of which he had been the head? It might be said that the condition of Ireland at the present day did not permit of that; but he wished the House, in considering the question, to agree with him that the motives for insubordination were of no ordinary character, and that the whole circumstances of the case were political in their character. Without doubt the military authorities would regard Colour-Sergeant M'Carthy, who was now under penal servitude for life on account of his connection with the Fenian conspiracy, as one of the worst of offenders. Yet of that man there were proofs that in him were united some of the highest traits of character, and that on several occasions he had risked his life in the service of the Queen—not only that, but it stood on record on the authority of the hon. Member for Donegal, who knew the man, that he was one of the most upright and brave of soldiers, and that he was certainly not one of those who had joined the Fenian conspiracy from sordid motives. In England there existed a settled Government and Constitution under which the nation had grown rich, powerful, and contented. The English people had a holy horror of rebellion or of anything that could disturb the existing order of things. He must candidly admit that that was not the case in Ireland. Ever since the Union, the history of Ireland had been a history of Government repression and popular resistance. And it was a fact to be remembered that the Irish rebel, holding in his hand the declarations of Plunket who was made Lord Chancellor, Bushe who was made Chief Justice,

Saurin who was made Attorney General, and Grattan whose remains were honoured by interment in Westminster Abbey, could establish before the world his constitutional right to resist unconstitutional laws. That the Irish State prisoners were not regarded as ordinary criminals was proved by the fact that Boards of Guardians and mass meetings had expressed sympathy with them, and that last year some 70 Members of Parliament urged upon the Chief Minister of the Crown the propriety of giving them their liberty. If, then, the incarcerated men were political offenders, their continued imprisonment was a stain on the character of the British Government. The Canadian House of Representatives had recently passed a resolution in favour of an amnesty being extended to political prisoners, and was it to be said that the Parliament of the United Kingdom was afraid to do likewise? The British Government had been accused of cringing to Russia and America, and if they wished to retain any shreds of reputation he called upon them to set the Irish State prisoners free.

LORD RANDOLPH CHURCHILL said, he must remind the hon. Member for Mayo (Mr. O'Connor Power) that he was entirely mistaken in his reading of the history of the first Duke of Marlborough. The hon. Member had stated that Churchill was rewarded for his treachery by having the Dukedom of Marlborough conferred upon him by the Prince of Orange. Now, as a matter of fact, the so-called treachery of Churchill was one of the most disputed historical questions, whereas the treachery of these soldiers was not disputed. The Dukedom was not conferred as the reward of treachery, nor was it conferred by King William, but by Queen Anne, as a reward for his services at the victory of Blenheim. He took that opportunity of advising the hon. Member for Mayo to inform himself of the commonest facts of history before again aspersing the character of heroes whom the country revered.

SIR PATRICK O'BRIEN said, he felt assured that in the observations made by the hon. Member for Mayo (Mr. O'Connor Power), regarding the Duke of Marlborough, he in no way meant to detract from the honour and glory of his illustrious name, whose victories on many a field so justly endeared his

Mr. O'Connor Power

memory to the English people. He only, for the purposes of his argument, stated a fact historically true that the Duke of Marlborough, having been in the service of James II., within 24 hours was in the camp of William III. After the able and eloquent speech which they had just heard, he should not have risen were it not that he intended to present some considerations in favour of the Motion different from those they had heard from the hon. Member for Mayo. Apart from the principle of Fenianism, he had always thought that it would end in disaster, and that the many honest, unthinking, and enthusiastic men who joined in the movement would find so to their cost. But how different was the situation in 1864 from the present. Then America had just been terminating a fierce contest, and American politicians, anxious to catch the Irish vote, would be ready to grant the Irish anything. Now, were aid required from them—the pure Americans—they would snap their fingers at the Irish, conscious that within 10 years the German emigration would create a great preponderance in that country. Again, in 1864, in Ireland, he knew that among large numbers of the people an undefined idea of obtaining French assistance prevailed. The late Franco-Prussian War had rudely dispelled that idea. In short, nobody could dream now of creating an insurrection in Ireland. Then, was not that the time for clemency? Not one word had been, or could be said against the moral character of these men. When hon. Gentlemen discussed the actions of men in former times, who were influenced by similar motives, much as they might differ with their principles, they were often objects of their admiration. Well, God knew, these men had suffered enough. Nine years' incarceration with common felons, the scum of English society! At another time it might be urged the Government could be said to be thought afraid; but that could not be imputed to them were they to exercise clemency. The hon. Member for Mayo had alluded to Marshal Serrano being admitted to the Government of Spain; but the case of the Hungarian Army which fought against the Kaiser at Comorn, was even stronger, for they were now received into the special favour of that very Emperor against whom they had rebelled. He believed there

were but few in that House who did not feel for these unhappy political prisoners, and he hoped, if not on that occasion, in obedience to the hon. Member's Motion, that very shortly they would be liberated.

MR. STACPOOLE said, he would also ask the Government to accede to the Motion. He cordially concurred in the observations which had been made by his hon. Friend the Member for King's County (Sir Patrick O'Brien), and thought the time had come when bygones might fairly be considered bygones, and that great sore might be removed in accordance with the wishes of the people of Ireland. That step on the part of the Government would give the greatest satisfaction.

MR. WHALLEY said, that he could not support the spirit of the Motion of the hon. Member for Mayo (Mr. O'Connor Power). Whilst he felt much sympathy on behalf of these unfortunate men, he felt more sympathy for the right hon. Gentleman opposite who had to answer this charge. There was an old saying—

"Oh! what a tangled web we weave
When first we practise to deceive,"

and that was the case with the present Government and their Predecessors with regard to the question. The Government, influenced, he believed, by what could not be better expressed than by the term cowardice, had refrained from tracing Fenianism to its source and to grapple with it. They had not dared to do that, but had seized the men who murdered Sergeant Brett at Manchester and had punished them. And what for? No doubt, it was a political offence. No doubt, these men were actuated by what they believed to be the interests of their country. But who taught them that? Who were the originators of Fenianism? Who was it held up before these men not merely all the ordinary influence of leaders, but also the high sanction of religion in chapel, in school, and in every form and shape the treason of which these unhappy men were the victims? It was permissively taught and supported by public money in the schools of Ireland, and yet the Government had not dared to grapple with the evil at its source. How long were we to act the part of national Jesuits, pretending to be a Protestant nation, and yet for our own petty convenience ignoring the fact

that this treason was organized systematically? Fenianism was undoubtedly nothing more nor less than one of the manifold chameleon-like developments of that organized conspiracy which priests—he had almost said parsons, too,—were ready, to the extent of their power, to bring against society and against the welfare and happiness of the people amongst whom they lived. The contest between the priestly and civil power of the State was unequal, and would have to be fought out now, or at some future day it would have to be fought out under greater disadvantages. He appealed to the Government on behalf of these unhappy Fenians, who were energetic and patriotic, and entitled to sympathy, and asked them to trace the evil to its true source. He had over and over again implored the Government to afford facilities for investigation, and of bringing before the House by means of a Committee the evidence which he had from time to time been able to produce to show that Fenianism was in its origin sustained by the devices of the priesthood of Rome. Let them seek out the *imperium in imperio*, the fountain-head of the organized system of treason and opposition to the civil government. They knew what was passing in Germany just now, and he would appeal to the right hon. Gentleman who now so worthily presided over the Government of this country to place England on an equality with other States and enable us to do our duty. He thought that the hon. Members who talked about the sufferings and wrongs of their country could not really believe anything of the kind—

MR. SPEAKER intimated that such an observation was not in accordance with the usages of the House.

MR. WHALLEY said, he had not finished the sentence—they did not believe anything of the kind in the sense which their words conveyed to the House. There was no desire on the part of Parliament to oppress Ireland, which was more highly favoured in many respects than other parts of the Kingdom. He had some claim to speak on the subject; for years ago, he did as much as any Englishman could do amongst the Irish people in mitigating the evils of the Famine, and then it was he learnt the lesson that the people themselves felt the crushing influence of the tyranny

of the priesthood. Therefore it was that he pleaded on behalf of the people for protection against their priesthood, against the tyranny under which individuals and the interests of their country were ground down. He trusted the Government would even at this late hour investigate the origin and nature of Fenianism, and trace it to its source; and if they did, they would find that that same malignant power which was imperilling and destroying, and had destroyed for generations, every true interest in Ireland, was still imperilling the interests and the safety of the land.

MR. ASSHETON CROSS said, he gave every credit to the hon. Member for Mayo for his motives and feelings in introducing the subject which he had so very ably brought before the House. He could assure the hon. Member that there was not the slightest wish or desire on the part of the Government to throw either disgrace or dishonour upon any Irishman from one end of the country to the other. In considering this matter, however, he must remind the hon. Gentleman that there was one point connected with the Fenian conspiracy which had not been named by him—namely, that the Government of the day, when they thought they could safely do so, drew a broad line of distinction between the several classes of prisoners convicted during the Fenian outrages, and gave a large amnesty to those who were simply convicted of political offences. There was, however, a class of prisoners—and he regretted to say they were a large class—imprisoned for crimes and offences committed about that time which, in the opinion of the Government, were not political offences. The first two prisoners in the list were those connected, he was sorry to say, with what he had before, and what he must still call, the Manchester murder. Whatever might be the political feeling of those persons who attempted the rescue, and who really caused the death of the policeman, they were living at that time under the protection of the laws of this country, and they attacked the van with such violence that they deliberately killed the constable; by the law of England they were convicted of the crime of murder, and for that crime three of those persons, in his opinion, most justly suffered the punishment of death. It was in connection with that crime that

Mr. Whalley

two of the first persons on the list were still kept in prison. Of the next two persons on the list one took an office at Birmingham for the express purpose of buying arms and of providing with arms those who were contending at the time against the English Government, and the other man was a gunmaker, who was employed to make up the arms. They were living at Birmingham at the time. They were convicted for acting in contravention of the laws of the country, and not for committing political offences. The next class were the soldiers. Now, the hon. Member had said that everybody owed allegiance to the Crown. That was true, but a soldier entered upon a special duty; he owed a separate allegiance, and a breach of that separate allegiance by a soldier was a special danger to the country which must be avoided. It would be perfectly intolerable that a person who had taken the oath of allegiance and joined the British Army should when any danger pressed upon the country go over to the enemy and then be held irresponsible for that act. He (Mr. Cross) was bound before he sat down shortly to remind the House that this matter was brought before the House when the late Prime Minister was sitting on the Ministerial Bench in 1873, and the words which he then used seemed so entirely to apply to the present case that, with the permission of the House, he would read one extract from them—

"I am sorry to say, Sir, that there is a strong and most conclusive reason, one which overrides every other reason, for not extending this amnesty to the men referred to, and for leading us to conclude that these men are not political prisoners at all in the sense in which indulgence might be extended to prisoners of that character. It is a sound principle of modern administration, that when there has been a convulsion in a country and the contagion of strong feelings has led men to join it—when it is put down by the arm of the law, the individuals who were parties to it should be dealt with very leniently. But, Sir, I know no reason why single individuals, who, without the apology of contagion, have endeavoured to bring about bloodshed, should be so treated."—[3 *Hansard*, ccxvii. 997-8.] Therefore, it was not from any feeling of terror, but with the deepest regret, that he (Mr. Cross) had still to announce that it was the firm intention of Her Majesty's Government not to release the prisoners referred to.

• Motion, by leave, *withdrawn*.

Committee *deferred till Monday next*.

EAST INDIA HOME GOVERNMENT (PENSIONS) BILL.

(*Lord George Hamilton, Mr. William Henry Smith.*)

[BILL 74.] COMMITTEE.

LORD GEORGE HAMILTON, in moving that the House go into Committee on the Bill, explained that its object was to place servants who were in the employ of the Home Government of India under the Superannuation Act of 1869. The Bill would apply to two classes of persons—first, the Auditors of the establishment, and, secondly, certain Members of the Council. The Act constituting the India Council provided that all who were appointed Members of that Council should be appointed for life, and it enabled them to retire after 10 years' service with a pension of £500 per annum. In 1869 the Duke of Argyll brought in a Bill by which their tenure of office was reduced to 10 years, but the Secretary of State had power to grant them, if he thought fit, a further term of office—namely, for five years, but under that measure they were not entitled to any pension. The present Secretary of State thought it was advisable, in order to get men of the highest calibre to serve, that power should be given him to grant them pensions if he thought it right to do so. The object of this Bill was to place them under the Superannuation Act of 1869. If the Secretary of State gave them pensions, he would be bound to lay before Parliament the Warrant or Minute by which he granted such pensions, and, therefore, if any abuse were committed in that respect, the House would have ample opportunity of discussing the matter.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time upon *Monday next*.

MUNICIPAL ELECTIONS BILL.

(*Mr. Dodds, Mr. Gourley, Mr. Callender, Mr. Rathbone.*)

[BILL 63.] SECOND READING.

Order for Second Reading read.

MR. DODDS, in moving that the Bill be now read a second time, said, that it was substantially the same measure as that which had been considered by a Select Committee, and that its provisions

had received the sanction of the Association of municipal corporations. It proposed to give an increased time for making the needful provisions for a contested municipal election, and also to assimilate the law relating to municipal elections with respect to nominations with the law relating to Parliamentary Elections, and thus to prevent the nomination of bogus candidates. Besides these two main provisions, there were a number of smaller details, the substantial effect of which would be to assimilate the laws governing municipal and Parliamentary elections.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Dodds*.)

MR. WHEELHOUSE, in moving, as an Amendment, that the Bill be read a second time that day six months, said, that whilst admitting that it was high time to put a stop to what were commonly known as bogus nominations, he considered that the Bill interfered much too largely with the present provisions of municipal elections. He should be quite willing to read the Bill a second time if it were understood that it would be open to him or any other hon. Member to object to going into Committee upon it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Wheelhouse*.)

Question proposed, "That the word 'now' stand part of the Question."

MR. ASSHETON CROSS hoped the hon. Member who had charge of the Bill would agree to that arrangement. So far as he could see there was no principle whatever in the Bill, partaking as it did rather of the character of an omnibus measure, and he objected to certain clauses.

MR. DODDS said, he would agree to the suggestion.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Wednesday, 14th April*.

Mr. Dodds

BISHOPRIC OF ST. ALBANS BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans, said, that as the matter was of some public interest, he should state very shortly what the proposition was which the Government had to make upon the matter, and how they had been enabled to make it. Hon. Members were quite aware that the dioceses of London, Winchester, and Rochester had, in the opinion of all men who had thought about the matter, and who were competent to judge, largely outgrown the dimensions of such a diocese as one Bishop could practically do the duty of. But in all these matters, the first great difficulty, however much it might be wished to sub-divide a diocese, was the question of funds. In considering the question, the Government had come to the conclusion, first of all, that it must not be held to be a necessity in the Church of England that every Bishop who might be created in future should have an income of £5,000 a-year; and, in the next place, they took it as a maxim, that in the formation of any new dioceses no money was to be taken from the Ecclesiastical Commissioners. Having stated that, he would now explain that the reason which had induced the Government to introduce this Bill was the very generous offer made by one of the Bishops concerned. The Bishop of Winchester had an extremely large diocese, extending up into a very crowded part of London; his episcopal residence was at Farnham, and up to the present moment he had also one of the largest houses in St. James's Square, Winchester House. It struck that Bishop that that House was hardly wanted by the Bishop of the diocese. It was an extremely large and valuable property, and the rent would no doubt be very great. The Bishop conscientiously felt that his residence in London was not so long as to require such a residence, and the rent, he thought, could be put to a much better purpose. He therefore came to the Government

through him (Mr. Cross) with what he might call a most generous and noble offer, placing that house entirely at the disposal of the Government on only one condition—that whatever money could be obtained by its sale should be devoted to the foundation of the new See. He must tender his thanks publicly to the Bishop for that generous offer on behalf of the Church. When the matter came to be considered, several proposals were brought before them. Eventually, the Bishops of London, Rochester, and Winchester, and the Archbishop, together with some other person, were formed into a Committee, and a scheme was the result, which had been modified, but eventually assumed the form he was now about to state to the House. He would state the limits of the diocese of St. Albans, and the territorial re-arrangement of Winchester, Rochester, and London consequent on its formation. The new See would take Essex and Hertford from the diocese of Rochester; Rochester, therefore, would have considerable relief, and would take from Winchester East and Mid Surrey, and from the Bishopric of London St. Mary, Newington. There would be ample work for St. Albans, and they would also by this means be able to provide for the spiritual wants of a great part of the south of London—he believed to the satisfaction of every one concerned. The next question was how the funds should be provided for the new See. Whatever might be the produce of the sale of Winchester House, it would be entirely devoted to the endowment of the See of St. Albans. He would now state the income of the three different Sees, as they would be on the first avoidance of the present Bishops. The arrangement after the avoidance of the Sees of Winchester and Rochester would be this—Winchester would have £6,500 instead of £7,000; Rochester would have £4,500 instead of £5,000, and the £500 to be taken from Winchester and the £500 from Rochester, would be added to the sum to be gained by the sale of Winchester House, to form an endowment for the See of St. Albans. That sum would be augmented most probably by certain funds not legally attainable at present, but which eventually would be appropriated to this purpose. They were of opinion that they could now present this Bill to the House, and re-

quest its sanction to the formation of this new See, with a complete scheme to enable the Ecclesiastical Commissioners to sell Winchester House, and to devote the sum realized to the foundation of the See of St. Alban's. As soon as a sum was obtained which would produce £2,000 a-year, the Bishopric would be founded. The Bishop would be in possession of the See, and on the avoidance of Winchester and Rochester, he would have £500 from each added to his income. The probable result of the arrangements would be to secure for the new Bishopric an income of between £3,000 and £4,000. As to the other arrangements, of course everything must be done with the consent of the Bishops of London, Rochester, and Winchester, and the consent of all had already been amply obtained. In the most generous way all the Bishops had given up all their patronage in the parts of their dioceses, which they were consenting to give up. The Bishop of Rochester would during his lifetime continue to receive the same income as at present; but he had come forward to say he gave his consent to the sale in his lifetime of Danbury, and the devotion of the proceeds to the erection of two residences, one for the See of St. Albans, and the other for the See of Rochester. The Bill was simply a Bill for the re-arrangement of the three dioceses of Winchester, Rochester, and London, and he presented it to the House without asking for a farthing of money from any one, only desiring that they would authorize the Ecclesiastical Commissioners to carry the scheme into effect. He presented it really as a gift offered to the Church by the Bishops concerned; and he tendered them thanks for the sincere and earnest liberality with which they had come forward to make the offer. It could not be made in any way with a view to their own advantage, and it was dictated solely by the wish to devote their means, as far as they could consistently with their duty, to the sole good of the Church. [Mr. WHITWELL: Will the new Bishop have a seat in Parliament?] With regard to that, the precedent of Manchester would be followed exactly. The right hon. Gentleman concluded by moving for leave to introduce the Bill.

Mr. BERESFORD HOPE said, there was no doubt that the Episcopate ought to increase with the growth of

the population, and he therefore had great pleasure in thanking the Government for the introduction of the measure, for no one could have heard the statement that had been made without the greatest gratification. While desirous of expressing his sense of the great generosity which the Bishops of these dioceses had shown, he trusted it was not intended by this Bill to shut the door to a larger measure, whatever form it might take. For his own part, he could see no incompatibility between a general measure and a specific one like the present. He must also state that at St. Albans there was a magnificent Cathedral, but a Bishop without a Chapter was like a military commander without a staff, and he therefore trusted that a Chapter would be provided for this Bishopric. He would also like to know what was going to be done with the parishes of Addington and Croydon?

Motion agreed to.

Bill to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the rearrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans, *ordered* to be brought in by Mr. Secretary CROSS, Mr. CHANCELLOR of the EXCHEQUER, and Sir HENRY SELWYN-LEBETSON.

Bill presented, and read the first time. [Bill 95.]

MARINE MUTINY BILL.

On Motion of Mr. RAIKES, Bill for the Regulation of Her Majesty's Royal Marine Forces while on shore, *ordered* to be brought in by Mr. RAIKES, Mr. HUNT, and Mr. ALGERNON EGERTON.

Bill presented, and read the first time.

WAYS AND MEANS.

Resolutions [March 11] *reported* and *agreed to.*

Instruction to the Committee on the Consolidated Fund (£880,522 1s. 4d.) Bill, That they have power to make provision therein pursuant to the First Resolution.

Ordered, That a Bill be brought in upon the Second Resolution, and that Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH do prepare and bring in the same.

Bill presented, and read the first time.

House adjourned at a quarter before One o'clock, till Monday next.

Mr. Beresford Hope

HOUSE OF LORDS,

Monday, 15th March, 1875.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Land Drainage Provisional Order * (30).
Report—Land Titles and Transfer (27-40).

LAND TITLES AND TRANSFER BILL.

(*The Lord Chancellor.*)

(NOS. 27-40.) REPORT OF AMENDMENTS.

Amendments reported (according to Order.)

THE LORD CHANCELLOR said, he had given Notice of some Amendments on this stage of the Bill; but of these some were merely verbal, and in others changes intended to give effect to Amendments of his noble and learned Friend (Lord Selborne), which he was ready to accede to. He believed the only Amendment on which any discussion would arise was that of which his noble and learned Friend had given Notice, and which, if adopted, would follow Clause 10.

Amendments made.

LORD SELBORNE, in moving to insert the Clause of which he had given Notice, and which provided that when, after three years from the passing of the Act, there was a sale of land in fee simple, registration should be compulsory, said, that he might have contented himself with the protest he made on the second reading against the omission from the Bill of a compulsory clause, if his noble and learned Friend on the Woolsack had not been so good as to say, that he would willingly hear the reasons for and against compulsion stated, and to encourage him to take this opportunity of raising the question by a distinct proposition. In approaching the question he wished to point out that compulsion in this case differed very much from compulsion in any case where conscience was concerned, or in which non-compliance was punished with any personal penalty. There was no man in their Lordships' House who had a stronger leaning in favour of liberty or against compulsion in those spheres of human action which were proper subjects for free choice than himself. But this was not a question of personal liberty, whether public or private. The subject with which their Lordships were asked to deal was one in respect of

which the law prescribed an effect which was to arise from certain things, done or omitted to be done. Therefore there could be no interference with personal liberty in making the registration required by this Bill compulsory. All he proposed to say to the landowner was this—"If you put your property on the register, you will get a legal title with certain rights and incidents. If you do not put it on the register you will not get a legal title, but you will have an equitable title with other rights and incidents." In all the existing modes of conveyance and assurance, certain legal solemnities were required to be used for the purpose of producing certain effects: the entire system being technical, and the creature of positive law. That was just the same sort of compulsion which would be applied, rendering necessary, instead of those solemnities, others of a simpler and more convenient kind, if his Amendment were adopted. Well then, if their Lordships were satisfied that their legislation was proceeding in a right direction and on sound and accurate lines, the presumption was that the legislation ought to be compulsory rather than otherwise. The object was, as far as possible and as soon as possible, to substitute a better system for our present complicated system of land titles and land transfer; and if the plan by which it was proposed to do this was a good one, manifestly public policy pointed to the importance of having it made as general as possible. They ought to leave themselves as little as possible at the mercy of the prejudices and interests generated by the system they intended to supersede, in order to give the best chance possible to the measure which they wished to succeed. That being the general principle on which he desired to proceed, he had next to consider whether in a case of that kind such experience as we had was in favour of a general and compulsory or of an optional and voluntary system of registration. The answer was, that all our practical experience in similar or analogous cases was in favour of compulsion. What had the advocates for reform in the transfer of land been constantly placing before their Lordships as practical arguments in its favour? Why, they had always brought forward the examples of systems in which compulsory registra-

tion had already received the sanction of the Legislature, and always with the best results. Take the case of the transfer of stocks, and of shares in ships—was registration in these transactions optional or compulsory? It was compulsory. Registration was compulsory in respect of deeds in Middlesex, in the several Ridings of Yorkshire, in the Bedford Level, and in Ireland; and the Legislature had given its sanction to compulsion in these cases with the express object of avoiding a part only of the evils of our system of conveyancing. There was also the case of dealings in shares in Joint Stock operations. And in our Australian colonies, and in various foreign countries, in which the title to land was evidenced by public registers, registration was compulsory; and the system worked easily, and with satisfactory results. All these examples showed that there was nothing new in the principle of compulsory registration, and that in every case in which it was enforced it had been found effectual. If, by the present measure, their Lordships and the other House of Parliament did not make the registration of title compulsory, he feared there was serious danger of the new system being warped and embarrassed by those habits and those interests which were opposed to it. When he spoke of interests, he did so in no invidious sense; because he believed that in very many instances at least those interests would be brought to bear unconsciously. Their Lordships were aware that in 1869 a Royal Commission was appointed to consider the working of the system of land registry under Lord Westbury's Act. Some of the evidence taken by that Commission was very instructive. He found that a member of a very eminent firm of London solicitors, when being examined by the Commission, stated that as to the neglect of registration he did not believe hostile feeling had much to do with it—he thought it was to be attributed to an indisposition to change and a dread of the unknown. He might cite to their Lordships the testimony of a number of witnesses to the effect that, in their opinion, nothing but compulsion could overcome the dislike to registration. According to his own observation, that opinion was a well-founded one—he believed there would be a vast amount of *vis inertia* opposed to the working

of the Bill now before their Lordships. When that was seconded by those interests to which he had before referred—for it was a matter which, after all, was very much in the hands of the lawyers—it was difficult to feel at all sanguine of success if the system was to be an entirely voluntary one, both now and in the future. He would now call their Lordships' attention to one or two things which ought to be borne in mind when the question of compulsion was considered. The present Bill, as well as the two previous Bills, differed in an important respect from the Act of Lord Westbury. The difference was this. In accordance with the recommendation of the Royal Commission of 1869, it was proposed in this, as it had been in the Bill of last year and the Bill which preceded it, to enable persons to register, not only absolute titles—titles that had been examined and certified by the Registrar—but possessory titles also. That was to say, every man in possession of land might, under the Bill as it stood, register the title which he claimed to that land; and if the Bill were amended by the clause he proposed, he would be compelled to do so, after the expiration of three years from the passing of the Act, in the event, and upon the occasion, of its being brought into the market for sale. The difference between this Bill and Lord Westbury's Act in that respect was, no doubt, very important. It would have been impossible to make registration compulsory under Lord Westbury's Act; because under it, the only titles which could be registered were those which were made out as absolute. What was known as a Parliamentary title was to be made out when a title was put on the register under that Act. Now there were not many estates with such a title in this Kingdom; and the reason was this—It had been customary to sell land with special conditions, and the consequence was that the greater part of the land which had passed through the market was held on titles qualified by those special conditions. But to clear those special conditions off would require a considerable time; and until they were cleared off, the title of land to which they attached could not be registered under Lord Westbury's Act. Again, even where special conditions did not interpose as a difficulty, the expense of making out an

absolute title would be, in many cases, an expense which could not be thrown on owners of moderate means. Well, most wisely, this Bill, like its two predecessors, was so framed that it would enable persons, who would not go to an expense which they might not be able to afford, to place their titles such as they were, with all their imperfections, on the register. This provision at once removed a hardship which would otherwise exist if owners were compelled to register whenever their land was brought into the market. The Commissioners of 1869 pointed out that the titles would increase in validity by progress of time from the period at which they were put on the register. They pointed out that recency of date was no objection; because if the purchaser was not satisfied with the title registered, he would require proof of title in the same way as though there had been no registration; after the title had been on the register for five years, they thought it probable that the purchaser might frequently require less proof, and so on; and that, after 30 years, none, or very few, would go beyond the register—while, in respect of the period which had elapsed after the title had been on the register, no one could go beyond the register at all. The lapse of time made the title stronger and more marketable every year; and they said we ought thus to lay the foundation of a system which would become, year by year, more beneficial than the systems it would gradually supersede, and would ultimately substitute a good one for a bad one. The Commissioners compared the process, by which all titles put on the register would be cleared, to that which water underwent in a filter. As the water descended the purer portion was constantly increasing in volume, though that which was yet above remained mixed with mud or other impurity; but when all the water got down below a certain mark, it was all pure. So it was with titles placed on the register. In process of time they were completely cleared. That would, he thought, be an object of high public policy, even if there were no advantage from the very date at which the registration commenced. He admitted it was a drawback that the present generation would not live to see all properties pass through the registration filter; but he was not

one of those who thought that the Legislature should have no care for posterity; and a not remote posterity would enjoy the full advantage of the system. Some, however, of its good effects—and those of no trifling value—would be immediate. The expense of the change ought not to be great—for if the title was put upon the register without being completely made out and certified, the cost could not be serious—and, from the very moment of registration, so far as related to the mere operations of charges and transfers, as distinguished from trusts and settlements, all future expense of conveyancing would be got rid of. In our Australian colonies, where the system had been adopted, as far as transfer was concerned, it seemed to be carried out with extreme simplicity and inexpensiveness. Such success as the system had met with in the colonies—and it was generally spoken of as a great success on the whole, though, perhaps, there were some points on which some of the Colonial Acts might be improved—had not resulted from its being optional, but from its being compulsory. If his memory served him rightly, there was some difference among the Commissioners of 1859 on that point—as to the extent to which compulsion should be carried—but the question had been considered by them with respect to a scheme very different from that before their Lordships. Compulsion had, since that time, been applied in the colonies, and had been attended with success. We had also had considerable experience of the working of Lord Westbury's Act, and of what had been done in Ireland under the Incumbered Estates and the Landed Estates Acts, and he thought their Lordships were now in a position to decide as between a voluntary and a compulsory system. Their Lordships had heard from his noble and learned Friend on the Woolsack what were the reasons which had led him to withdraw the compulsory provision contained in his Bill of last year, and to make his present measure one for voluntary registration only. The practical objections relied on by his noble and learned Friend appeared to him to resolve themselves into two—one, the difficulty as to expense in the case of small properties, and the other the difficulty arising from the number of local registries which would be required if regis-

tration were made compulsory. As to the first of these, he might refer to a printed document which had been placed in his hands, and, no doubt, also in the hands of his noble and learned Friend, and the contents of which were similar to those in a Petition presented last Session to the other House of Parliament. It was drawn up by a numerous and highly respectable body of gentlemen who were solicitors practising in Lincolnshire. It would appear from the document that the county of Lincoln abounded in small freeholds, which were made the subject of transfers, and that these transfers were carried out with much expedition, simplicity, and economy, under the present system. He was very glad to hear that in Lincolnshire there was such a large number of those small freeholds, and he hoped that Lincolnshire was not the only county in England thus favourably circumstanced. If it were demonstrated that a system of registry would not benefit those small freeholders, and would not tend to facilitate the transfer of that class of property, he confessed he should have a much less strong opinion than that which he now entertained as to the advantages to be derived from any Bill of this kind. If such a Bill were only good for the rich, it would be of much less value than he took it to be. But let their Lordships see the conditions which, according to the authors of the document to which he had been referring, made those transactions so simple, cheap, and expeditious; and let them further see whether those conditions would not equally tend to make registration practicable, without any additional cost in those cases. The gentlemen who drew up the document stated that in their part of the country the solicitors and the clients were known to each other, and were acquainted with the land. If that were so, it would much facilitate registration. Then they said that the same solicitor often acted for both vendor and purchaser. That circumstance would be quite as advantageous in the case of registration as it could be in the case of a transfer without registration. Again, they stated that in some instances the purchase money was to be secured, wholly or in part by mortgage on the property, and the same solicitor acted for mortgagor and mortgagee. This, again, would be a saving of money in the preparation of

deeds: the transfer and the charge could be simultaneously made upon the register. They urged, further, that in those small cases there were no complications arising out of settlements:—that the titles were simple and well-known, that the assistance of counsel was rarely required, and that the contract was made and the whole transaction completed within a very short time. Every one of these advantages would operate exactly in the same manner, and have exactly the same value, under a system of compulsory registration. The petitioners relied much on the cheapness of the present system; and to illustrate their experience in that way they gave a summary of the costs in 127 cases. Of these 5 were under £50, 17 under £100, 33 under £200, and 14 under £300. He would not go further than £300, because that was the limit in the Bill of last year. The lowest charge for conveyance, including stamp and payments, was £2 8s. upon a £40 transaction; and the highest was £20 upon a £1,000 purchase. The average cost for a conveyance for under £50 was £2 9s. 2d; for a conveyance under £100 it was £2 18s., and for a conveyance under £200 it was £4 3s. 2d. The charges upon the whole 137 cases gave an average of £6 9s. 4d. in each case. Now, what reason was there for believing that the charges under a system of registration would not be equally small? Excluding the stamp duty, the average charge for conveyancing in the cases to which he had referred to was for transactions under £50, £2 9s. 2d.; under £100, £2 18s.; and under £200, £4 8s. 3d. Everything higher cost proportionately more, which, for the mere operation of registration, need not be the case. It would not require more than 5s. for registration, and 5s. for the affidavit, of which the sole object would be to prove possession, and which might, and would be, in a short and simple printed form. The margin for the solicitor's travelling expenses, and fair profit, would be at least as great as now, without any additional charge; and it must be borne in mind that after registration all future transfers would cost comparatively nothing. He thought, therefore, that by fixing the fees at a low rate, as they ought to be fixed, it would be quite practicable to adopt the system of compulsory registration with-

out increasing in the case of the first transfer the cost of those small transactions, and with a great diminution of expense in all subsequent transfers. He observed that the Birmingham Law Society said—"We observe with great satisfaction the omission of all compulsory clauses from the present Bill." The only thing he gathered from the report of those gentlemen from Birmingham was that they were willing to contemplate with complaisance the possibility of a system of registration coming into operation some 20 years hence. It was quite true, as stated by one or more of the witnesses examined before the Commission of 1869, that the system of registration under Lord Westbury's Act was expensive, but the one he now proposed was totally different in its operation. Writing to him on this subject, a gentleman of great local experience, as a solicitor and conveyancer, in the county of Essex had stated his conviction that if registration was not made compulsory, instead of being a benefit, the Bill would be an injury, because it would render it necessary in all cases that country solicitors should employ their London agents to search whether the property was registered or not, and he was of opinion that the views which he (Lord Selborne) had advocated were sound and practical. If they combined an optional system of registration with an optional system of ordinary conveyance, they would add in all cases of optional conveyance an additional expense for searching to see whether the land was registered or not. In Middlesex and Yorkshire and Ireland they had long had experience of registration of a very different, less useful, and far more costly kind; and even such registration, though it might cause some expense, did not check small transactions in land. This brought him to the second question, as to district registries, which he would assume to be necessary; not, indeed, for the examination or verification of title, but for the registry of—at all events—possessory titles by those to whom it might be more convenient to transact that business in the country than in London. This was the opinion of the Commissioners of 1869, who thought that the expense of registering the titles to small properties might be much diminished by having local registries. It was a point, however, on which

opinions were divided. Sir Robert Torrens said that in Australia the system of one central registry worked with great facility, and Mr. Smee, of the Bank of England, advocated the same theory. Now, they had already district registries for the County Courts, for the Probate Court, and also local Admiralty registration; and one or other of these systems might be employed to register possessory titles. He would go further, and say that this district registration might be done by any respectable practising attorney. He ventured to think that they would be sufficiently remunerated for this service, whether the business were much or little, by the fees, which might be fixed. If it were much, those fees, though small, would be a substantial remuneration; and, if it were little, there would be no occasion for more than a small remuneration for little work. The whole of this part of the question was matter of detail, and need not involve any practical difficulty or expense which ought for a moment to be put in competition with the great objects they had in view. The noble and learned Lord concluded by moving, after Clause 10, to insert the following clause—

“When, after the expiration of three years from the commencement of this Act, there is a sale of land in fee simple in possession, or subject to any prior estate for life or for years, and whether subject or not to any incumbrance (there not being already a registered proprietor), and the purchaser might apply for registration under this Act, some person shall be registered under this Act as proprietor thereof, either with a possessory title only or with an absolute or qualified title; and any deed or instrument of conveyance of the land shall operate in equity only and not be effectual at law to pass the legal estate in the land.

“The application for registration may be made either by the purchaser (with the consent of the vendor) before the execution of any deed or instrument of conveyance, or, after the execution of any such deed or instrument, by some person interested, beneficially or otherwise, under the same; and if in such deed or instrument any person or persons is or are specified as the person or persons to be registered as proprietor or proprietors of such land, the registrar shall register such person or persons accordingly thereto. If no person shall be so specified the person or persons to be registered as proprietor or proprietors shall be the purchaser, or some person or persons to be nominated by him in that behalf, when the application is made before or without the execution of any deed or instrument of conveyance; and when any such deed or instrument of conveyance has been executed then such person or persons entitled under such deed or instrument as herein-after mentioned; (that is to say,)

“(a.) The person (if any) entitled beneficially in possession to the fee simple of such land:

“(b.) In case of there being persons beneficially entitled under such deed or instrument for successive estates, the person or persons (if any) in whom, if registration were not required, the land would be by such deed or instrument vested in fee, as trustee or trustees; and if there be no such person, the person or persons having the first beneficial freehold estate under the same; or (at his or their request), any person or persons having under such deed or instrument a power of sale over such land, whether with or without any consent, request, or direction.”—(*The Lord Selborne.*)

THE LORD CHANCELLOR said, he could not help rejoicing that, even at the expense of some encroachment on their Lordships' time, his noble and learned Friend had brought the present question fully under their consideration. It was important the House should know on what principles legislation with respect to it should proceed, and it was also desirable that there should be no misunderstanding on the subject out-of-doors. Having heard his noble and learned Friend, their Lordships might, he thought, congratulate themselves on having heard every possible argument in favour of compulsory registration submitted to them in the most forcible manner; but he (the Lord Chancellor) should, he believed, be able to show them that the noble and learned Lord had underrated some of the difficulties which stood in the way of the proposal which he advocated, while there were others which seemed not to have presented themselves at all to his mind which were absolutely insuperable—when he had done that their Lordships would have the opportunity of deciding on the question after having heard both sides. He might at the outset observe that nothing would be more satisfactory to the Government than to propose legislation on the subject which would not leave it to chance or even to the future to determine whether a measure such as that under discussion recommended itself to the good will of the country, but which would at once make it obligatory. He, as well as his noble and learned Friend, was fully alive to the *vis inertia* which existed in relation to questions of the kind, and he would gladly overcome it by legislation if he could deem it expedient or practicable to do so. It was, however, because he believed it to be both inexpedient and impracticable in the present instance,

that he must ask their Lordships not to give their assent to the proposal which had just been submitted to their notice. He would, in the first place, point out how the question of authority with respect to it stood. His noble and learned Friend had referred to two Commissions, one of which made its Report in 1857 and the other in 1869. Now, he thought it right to mention that the former had under their consideration only the system which involved the examination of titles, although they, in point of fact, clearly recommended that registration should not be compulsory. With regard to the Commission of 1869 the case was altogether different. It was appointed especially for the purpose of finding out why it was that Lord Westbury's Act had failed, and how that failure could be remedied. Before that Commission those witnesses were examined to whom his noble and learned Friend had referred, and there were only two or three of them who suggested anything about compulsion. That, however, was not all. The Commission had before them the project of the registration of mere possessory titles—they had it before them, for the Bill which he (the Lord Chancellor) had introduced in the House of Commons had been amended so as to include titles of every kind; and, on their own Report, they strongly recommended that any system of registration should be founded mainly on the registration of mere possessory titles, and yet declined to recommend a compulsory scheme. They recommended, indeed, that once a title was placed on the register, it should not be taken off; but beyond that they made no recommendation. So much for the weight of authority. He wished, in the next place, to touch on the question of principle. His noble and learned Friend had put forward illustrations as affording a parallel to the present case, which, in his opinion, simply tended to mislead. In advertising to that point, he wished their Lordships to bear in mind what the Bill did not propose to do. They were aware that in many countries of the Continent it was thought to be a matter of great public policy to have a registration which would reveal to the public and to the State, at all times, the names of the real owners of every piece of fixed property in the country. These nations made re-

The Lord Chancellor

gistration compulsory, because their public policy was to have a record of real owners, so that it might be known who owned every acre of land in the country, and unless registration was made compulsory that object could not be attained. Other countries had acted on the policy—we ourselves had done it with regard to Middlesex and Yorkshire, Ireland and Scotland—that the dealings of mankind required that every deed which was executed with regard to real property should be placed on an open register, so that the world might know what deeds were in existence charging incumbrances, or in any way affecting such property. Now, that was an intelligible policy, though he looked upon it as a policy of the worst possible kind—but it was a policy which required compulsion, because otherwise every deed placed upon the register would fail to secure the object in view. In those two instances, therefore, there was compulsion, for it was demanded by the nature of the case. The present, however, was a Bill, which even though it made registration compulsory did not profess to make it compulsory to place the real owner on the register—because the name on the register might be that of a person who had no beneficial interest in the property—neither was it a measure to provide for placing every deed on the register, because the object was that no deed should be put upon it. The two analogies which he had mentioned, therefore, entirely failed. His noble and learned Friend next took the analogy of ships, pointing out that it was sought to make the transfer of land as easy as the transfer of ships, and that the registration of ships was compulsory. Now, he (the Lord Chancellor) was anxious to make the registration of land as easy as that of ships; but it should be borne in mind that the reason why the registration of ships was made compulsory was not to facilitate transfers but because, as a matter of public policy, it was desirable to know that every ship that carried the British flag was in truth a British ship, as she had certain privileges under that title and certain obligations. Then as to stocks, registration was compulsory, for how could there be any transfer except by a change of the inscription on a public register from one person to another? Again, it was said that in Australia registration was com-

pulsory. Now, he believed there was no registration at all in Australia till 1859, when it was found that the registration scheme which he had introduced into the House of Commons might be extremely well suited to that colony. That scheme was, therefore, taken up, if he was not mistaken, by Sir Robert Torrens, and passed in opposition to the Government of the day. He thought that that registration was, in the first instance, voluntary, and was afterwards made compulsory—but under what circumstances? The title of land in Australia depending entirely on Crown grants of certain rectangular squares of land marked out by parallels of latitude and longitude, and mapped out and recorded originally in Government offices, it was found that the system of registration adapted itself without trouble to a state of things of that kind. As it consequently recommended itself to the great body of the owners of land it was largely adopted—at first in a voluntary shape, and subsequent legislation made it compulsory. He should be glad when a system of that nature could be adopted in the same way in this country, and then it might be that a further step could be taken to render it compulsory. He asked their Lordships to consider what was the foundation of this measure. He agreed with his noble and learned Friend that there was a principle of public policy involved in a Bill like the present; but it was a principle of public policy which was to be attained through the medium of a boon offered in the first instance to the landowners of this country. What he understood such a measure to offer was this. At the present day, no doubt, on every transfer or mortgage of land a very large sum was spent on law costs, and that sum had to be spent over again at the next transfer or mortgage. If, for example, they were about to sell 1,000 acres of land, there might be a stamp duty of, say, £50 payable in effecting that sale, while the law expenses connected with the examination of the abstract of title and other difficulties might mount up the bill of costs both on the side of the seller and on that of the purchaser to £450—a sum which he thought in many instances was not an exaggeration. Thus they would have an expense of £500 on each transfer, which was just so much money taken from the seller; because it

would otherwise go to the owner of the land that was being sold. It stood to reason that if that £500 had not to be paid by the purchaser, as was now the case, the purchaser would be able, and they might suppose also willing, to pay £500 more to the owner of the land. Therefore, if they could devise any scheme by which a large proportion of the expense now attending the transfer or sale of land might be saved, they would offer a boon to the owner of the land, and would arm him with the power of going into the market and obtaining a higher price for his property. If that were accomplished generally throughout the country, a great public advantage would be derived; but that public advantage was to be, and ought to be, derived in the first instance through the boon offered to the landowner. That being so, he asked on what principle they were to force on the owner of land by compulsion a boon of that kind? Assuming, for the moment, that their means of compulsion were efficacious, what right had the Government—unless it adopted the principle of being a paternal Government—to say to a man—"We offer you a boon of this character; you must accept it; we leave you no choice in the matter?" Did they do such a thing in other cases? No doubt, many of their Lordships thought a particular course of husbandry was the best mode of cultivating the land; but what would they say to legislation which, even with a *consensus* of the men most skilled and eminent in such matters, proposed to impose a particular course of husbandry on the cultivator, because, forsooth, they felt satisfied it would put money in his pocket and add to the productiveness of the land. He had listened with some interest to his noble and learned Friend to find whether he would supply any precedent for legislation of the kind he recommended, but he had heard none. They often had complaints made of the length of conveyances, and measures had been proposed and carried for shortening them; but he had never heard of any Act being passed to make those measures compulsory, even although a good deal of money might be saved by it. Therefore, even as a matter of principle, he said they had no example, and he believed they had no reason in the abstract by which they would be entitled to force a measure

of that nature on those who did not wish to adopt it. Then how did his noble and learned Friend propose by his Amendment to apply the principle of compulsion? He proposed, in the first place, to apply it only in the case where there was to be a sale. Why was it not also to be applied to a mortgage, or, again, to a devise, where there was a will passing land? But, taking the case of a sale, supposing there were two farms separated by a hedge, what right had they to say because it happened that the one farm was about to be sold, that it must be put on the register, and that the other farm need not be, because it was not to be sold? It was suggested that it was desirable to give greater facilities for the passing of land from hand to hand, and to encourage more land being available for transfer than was now the case. Well, it was a singular way of attaining that end to fasten on the land which was going to be sold—which required no compulsion—which was about to pass from hand to hand—they singled out the very land which was already doing the work that they wanted to be done, and they placed that obligation against the will of the owner upon it—because he assumed that if the owner liked it he could take the advantage of that legislation without compulsion—while with the other land they did not interfere at all. He maintained that once they got the land on the register the effect would be that it would enable it to be passed from hand to hand at very much less expense than it was at present—the Bill would be an entire failure unless it secured that end. He believed it would be impossible to put land on the register in the first instance, whether with only a possessory title or with a higher title, without some additional expense for that purpose; and what they were doing by fastening on the first sale of land was to say that there must be a further expense than would otherwise be incurred in the transaction. It must not be supposed that the expense would only be a few shillings, and it must be distinctly understood that the Government were not prepared to recommend a grant of public money for the purpose of cheapening the transfer of land in this country:—the land registry must be self-supporting—for the work to be done, payment must be made sufficient to cover the cost of

that work. That principle had been adopted in Ireland, and also in the case of the Middlesex and Yorkshire registries. That was the only principle which the House of Commons would be likely to sanction. Where work of that kind was to be done the fee charged for doing it must be commensurate with the work done. In this attempt to make registration compulsory, it was impossible to draw the line between large and small conveyances on any principle that could be satisfactorily maintained. His noble and learned Friend had admitted, with regard to small transactions, that unless some effective means of local registration could be secured throughout the country, it would be impossible to force registration upon the purchasers. To show what would happen in these cases he would take one instance—and one was as good as a thousand. He had received a communication, not from Lancashire or Birmingham, but from a cathedral city in the south of England. It was from a solicitor whose respectability he had inquired into, and it ran as follows:—

“I have for many years been solicitor for the Benefit Building Society, and in that capacity have had to make numerous conveyances for the members of that society of small pieces of land. The fees in such cases are extremely small, and in one instance I prepared 115 conveyances at 20s. each, and 67 at 10s. each—not, of course, including stamps,—and have made many others for about the same price. The purchase money is, of course, small, ranging from £15 to £50, and a few exceeding that sum. In the course of my practice I have made a large number of conveyances, and do so from day to day, for sums varying from £1 10s. to £4, including stamps. I have to-day engaged to prepare one where the purchase-money is £140 for £3 10s., exclusive of stamps. In such cases the title is simple, and, of course, we take this fact into consideration in the cases especially of the working classes, who generally expect a solicitor to tell them beforehand how much the conveyances will cost. I am quite satisfied that the only effect of compulsory registration would be expense and delay in all small purchases, and they are much more numerous in the country than the larger ones, and thus, instead of the Act proving a benefit to the working classes, for whose advantage it is supposed to have been intended, it will prove very injurious to their interest, and will prevent instead of promoting the sale of land. I am about shortly to prepare 110 conveyances of small pieces of land for the artisan class to build dwelling-houses on. My fee will probably be £1 each, and what can the effect of registration be but a considerable increase of expense, and rendering the whole transaction more tedious and difficult?”

Well, how would those cases where the

The Lord Chancellor

fee of the solicitor was at present £1 be affected by registration? His noble and learned Friend had referred to the Middlesex Registry. In that case the smallest office fee was 5*s*. This, however, was but a small part of the matter. It would be necessary when land was placed on the register for the first time, whether the title was merely possessory or not, that the register should be approached by a solicitor. What was to be set down as the charge under this head? In connection with the Middlesex Registry the ordinary charge appeared to be £2 2*s*. But let it be taken that that was too high, and that the fee in connection with these small transactions would be the lowest which it was the practice of solicitors to charge—namely, 6*s*. 8*d*. With 5*s*. as the office fee, that would make 11*s*. 8*d*. to be paid for registration in addition to the charge of £1 already incurred in connection with the conveyance.

LORD SELBORNE: But there need be no deed of conveyance.

THE LORD CHANCELLOR maintained that upon the first transfer—the transaction which was to lead to the title being put on the register—no man in his senses would dispense with a deed. Once get the property registered, and then, he was delighted to think, it might pass by a single change of name upon the register, without any deed. The registration expenses he had mentioned would, he contended, be a very serious additional cost in the small cases to which he had referred. In the larger cases also there would be the same objection. Compulsory registration of the kind proposed would simply be a tax on the transfer of land, and would be felt most heavily by those whom it was desired to encourage as much as possible to become owners of land. Next he came to the very important question as to where the registration was to be done. It was true that the Commission of 1869 had said that it would be desirable to have district Registrars; and in the most cheerful way possible they added that they did not think it necessary to enter into details on the point. There was no doubt that it would be impossible to require persons to come up to London from remote parts of the country—from Devonshire, Cornwall, or Northumberland—for the purpose of registering small purchases in a central

office; but his noble and learned Friend said there would be no difficulty whatever in registering possessory titles in the country, and that existing Registrars—those of the County Courts, for example—might be employed for the purpose. This proposal seemed to him to be based on a mistaken view of the necessities of the case. If a district was taken away from the jurisdiction of the London office, it must be taken away wholly, and all the registration for that area must be carried on in the local office. Otherwise, it might commonly happen that land on one side of a hedge, in regard to which it was desired to register a possessory title only, would be registered at the local office, while land on the other side, which had a guaranteed or qualified title, would have to be registered in London. He certainly did not think such an arrangement could work. It would be practically impossible either at the London office or the local office to ascertain what charges there might be upon the land. It would not do for a man to be told at the London office—“You must wait till we have communicated with the local Registrar before getting the information you want.” It was scarcely necessary for him to point out to the noble and learned Lord that it would be impossible to have one kind of title registered by the County Court Registrar in the country and another kind registered by the Registrar at the head office in London; and to enact that one acre of land in Devonshire was to be registered by the Registrar of the County Court of Devon, and that another acre, perhaps adjoining it, was to be registered in London. If that were so, who was to conduct the registration of titles in the different localities? Their Lordships must remember that it required equal skill and legal knowledge to enable a Registrar to judge of a Devonshire title as of a Middlesex title; and it must not be supposed that because Devonshire was at a distance, that therefore the work would not require to be executed with as much exactness as would be necessary in London. But what would be the result of the adoption of the noble and learned Lord's proposition? Why, that in Devonshire, almost any person would be able to act as Registrar; but in London, the duties of the office must be discharged by a barrister of 15 years' standing, receiving

a large salary. The noble and learned Lord had stated that he had received a communication from a solicitor in Essex in favour of the establishment of district registries; but, for his part, he (the Lord Chancellor) had received a score of letters every day on the subject from solicitors and others who were not only in favour of the establishment of district registries, but who were also willing to undertake the duties of those offices; they were not only anxious that there should be district registries, but they were anxious to be appointed district Registrars. He did not doubt that every one of those gentlemen, if appointed to discharge those offices, would do their best; but if they could discharge the duties efficiently, what necessity was there to have a head office in London merely to discharge similar duties? Speaking with all respect of the existing County Court Registrars, he did not think they possessed any special qualifications or training for investigating the titles to land. The County Court Registrars were chosen by the County Court Judges, and they were selected chiefly on account of their skill in the forensic litigation which usually came before a County Court, and they were just the very class of solicitors who would not have any special experience of conveyancing. His impression, indeed, was that the County Court Registrars did not require any qualification at all, and that they need not even be solicitors or barristers; all that they had to do being merely to receive wills, and to see that they were properly attested and to send copies of them to London. But he had not even yet exhausted the difficulties that would arise in the event of the noble and learned Lord's proposal being adopted. It was important to determine under what circumstances access to the register of titles should be admitted, and, in his opinion, the registers should not be open to any one who could not show a *prima facie* interest in the property the title of which he sought to inspect. But the noble and learned Lord now proposed to throw open the register of all the titles of a particular county to a particular solicitor practising in that county—because the County Court Registrars were not required to give up their private practice—who would thus have placed in his hands the key to all the titles to

the property in his neighbourhood. Such a provision was not, in his opinion, likely to commend itself to their Lordships. But it might be asked, if all these difficulties to which he had referred were to be anticipated from the proposal of the noble and learned Lord, what was the boon that this Bill would confer upon the owners of small properties? Taking the case of a large estate purchased by a Benefit Society, with the view to its being cut up in order to sell it in small lots, numbering, perhaps, 800 or 1,000, for the erection of small houses, all that would be necessary to do under the Bill would be to register the property in the lump, and then to print some 800 or 1,000 tickets or pieces of parchment of limited size—with perhaps a little map at the corner—and to have written upon them the terms of the transfer of each lot at the office of the Registrar, which could be done at a very small expense. He confessed that he should rejoice to see such a proposal carried into effect, because he was certain that it would confer a great boon upon the holders of small properties. He was afraid that the proposition of the noble and learned Lord, that this Bill should be made compulsory could not be carried out, and he was sorry to inform their Lordships that, in his judgment, the compulsion proposed by the noble and learned Lord was absolutely no compulsion at all—or, at any rate, would not operate as such in nine cases out of every ten. The noble and learned Lord had said that he did not intend, in the event of non-registration, to make the purchase and sale of an estate void, but merely to enact that any instrument of conveyance of land should operate as a conveyance of the equitable estate only, and not of the legal estate, and that the title of a non-registered estate could, therefore, only be perfected by going to a Court of Equity. Such a proposal might have had terrors for an intending purchaser some years ago; but by recent legislation to which the noble and learned Lord had been a party—he referred to the Judicature Act of 1873—the whole of those terrors had been done away with, because by that Act every division of the new consolidated High Court of Justice was bound to take judicial notice of all equitable estates and rights, and to give them equal force with legal estates and rights. Therefore, for the

future, under the provisions of that Act, equitable titles would be just as good in 99 cases out of every 100 as legal ones, and so the proposal of the noble and learned Lord would be no compulsion at all. If it were necessary in the hundredth case to get in the legal estate, the emergency would probably not arise until some 20 or 30 years afterwards, when the holder of the legal estate might be in Australia or in the backwoods of America, where nobody could find him, and, consequently, the legal estate could not be got in.

LORD PENZANCE desired to point out that the safer and more prudent and more reasonable course would be to leave the Bill in its present form. He was satisfied that if the noble and learned Lord on the Woolsack had found it possible to make the registration of titles compulsory, he would have been only too glad to have done so; but considering the various circumstances under which property was held, it was almost impossible to say what injustice might not be done, if the Bill were altered as proposed by the Amendment of his noble and learned Friend (Lord Selborne). The most prudent course would be to pass the Bill in its present shape, and try how it would work. If it were found in the course of a short time that it was desirable to have compulsion in the case of small holdings, it could easily be enacted.

LORD O'HAGAN wished to say a word as to the working of a measure, similar to the present Bill, which had been in operation for the last 10 years in Ireland. Since the year 1850 the Landed Estates Court had dealt with properties of the value of over £50,000,000 sterling, while under the Record of Titles Act, which was similar to that now under consideration, properties to the value in all of £2,000,000 sterling only had been dealt with. The Landed Estates Court gave to every purchaser an indefeasible title, the recording of which was free from any difficulty; and it was plainly the interest of every one who had such a title to put it on record. The want, however, of such a record, which was mainly owing to the absence of a compulsory clause in the Act, left things, in many respects, as they were before the Landed Estates Court was established. Every year created new complications, and made new and expensive searches unavoidable on every

fresh transfer, which would have been wholly unnecessary if the machinery of the Record of Title Office had been put into action. He feared that if the clause proposed by his noble and learned Friend were not adopted, the same unfortunate result would arise in England, where the record would be more difficult, and the temptation to avoid it perhaps greater than in Ireland.

LORD SELBORNE, in replying, observed that in small transactions a deed of conveyance would not be necessary, as under the Act the entry on the register would operate as a transfer of the fee-simple. He altogether demurred to the notion that district registries, for all the purposes of the Act, would be indispensable, merely because they might be so for some, and these very simple purposes. The investigation of titles would go on in the central registry. There need only be local agencies connected with, and subordinate to, the central registry, the functions of which would be to receive and record simple transactions, within their local limits, which did not involve the investigation of title, and to transmit to the central registry, with as much promptitude as might be necessary for the purposes of search, duplicates of all the entries made in their books, just as was now done with respect to wills proved, and administrations taken out in the country by the District Registrars of the Probate Court. Then, with respect to the legal estate, the universal experience in transactions of sale and purchase showed that it was part of the solicitor's duty to obtain a conveyance of the legal estate to his client, and no prudent purchaser would be satisfied with less.

On Question? Their Lordships *divided*:—Contents 15; Not-Contents 39: Majority 24.

Resolved in the Negative.

Amendments made.

Bill to be read 3^d on *Friday* next; and Bill to be *printed* as amended. (No. 40.)

CONTENTS.

Lansdowne, M.	Boyle, L. (<i>E. Cork and Orrery.</i>)
Ripon, M.	Carlingford, L.
Granville, E.	Crew, L.
Kimberley, E.	Monson, L.
	O'Hagan, L.
Cardwell, V.	Rosebery, L. (<i>E. Rosebery.</i>)
Aberdare, L. [<i>Teller.</i>]	Selborne, L. [<i>Teller.</i>]
Abinger, L.	Thurlow, L.

NOT-CONTENTS.

Cairns, L. (<i>L. Chancellor.</i>)	Hawarden, V. [<i>Teller.</i>]
Buckingham and Chandos, D.	Brodrick, L. (<i>V. Middleton.</i>)
Richmond, D.	Chelmsford, L.
Hertford, M.	Clinton, L.
Salisbury, M.	Ellenborough, L.
Winchester, M.	Foxford, L. (<i>E. Lime- rick.</i>)
Abergavenny, E.	Hampton, L.
Beauchamp, E.	Headley, L.
Carnarvon, E.	Manners, L.
Clonmell, E.	Rayleigh, L.
Derby, E.	Redesdale, L.
Harrowby, E.	Ross, L. (<i>E. Glasgow.</i>)
Lauderdale, E.	Saltoun, L.
Malmesbury, E.	Scarsdale, L.
Nelson, E.	Skelmersdale, L.
Pembroke and Montgomery, E.	[<i>Teller.</i>]
Shrewsbury, E.	Stanley of Alderley, L.
Waldegrave, E.	Stewart of Garlies, L.
Gordon, V. (<i>E. Aberdeen.</i>)	(<i>E. Galloway.</i>)
	Templemore, L.
	Ventry, L.
	Winmarleigh, L.

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 15th March, 1875.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading*—Lands Clauses Consolidation Acts Amendment * [96]; Shipowners Liability * [97].

Second Reading—Explosive Substances * [76]; Consolidated Fund (£7,000,000) *; Marine Mutiny *.

Committee—Regimental Exchanges [3]—*R.F.*

Committee—*Report*—Building Societies Act (1874) Amendment * [72].

Considered as amended—Consolidated Fund (£882,661 8s. 11d.) *.

Third Reading—East India Home Government (Pensions) * [74], *debate adjourned.*

NAVY—H.M.S. "ALBATROSS."

QUESTION.

CAPTAIN PRICE asked the First Lord of the Admiralty, If it is true that Her Majesty's ship "Albatross," in the autumn of last year, was, shortly after her departure for foreign service, recalled to undergo extensive repairs; if he will state to the House the reason for and nature of those repairs, and the cost thereof; whether the state of the ship, which compelled her return, was due to bad workmanship in the dockyard, or to an original fault in construction; and, if the latter, who is responsible for that construction; whether it

is usual in composite-built ships to use as an outer skin 2½ inches of soft porous wood; and, if any more ships have been or are being built of similar construction?

MR. HUNT: Sir, it is the case that the *Albatross* was recalled from foreign service as described by the hon. Gentleman. The repairs were required on account of an offensive smell arising about the after part of the ship. On examination, it was found that the cause of the evil was attributable partly to bad workmanship in the driving of some of the bolts of the ship, and partly to the employment of some coarse grained and porous elm planking, and the parties responsible have been duly censured by the Admiralty. The cost of the repairs amounted to £1,500. It is usual in composite ships to employ elm planking for a few streaks near the keel. A large number of composite ships have been built with outer planking of elm to the same extent as the *Albatross*, and several of them have served more than one commission without complaint.

JOHN MITCHEL—ADDRESS FOR PAPERS.—QUESTION.

MR. SULLIVAN asked Mr. Attorney General, Whether originals or copies of any of the documents referred to in the Motion of the honourable Member for Kildare on Friday the 5th March instant, relating to John Mitchel, are in the possession of the Government, or within their immediate reach; and, if any of them are, which are they, and is there any objection to lay them upon the Table of the House?

THE ATTORNEY GENERAL: Sir, the Motion of the hon. Member for Kildare (Mr. Meldon), referred to in the Question of the hon. Member for Louth, was for the production of Papers relating to the case of John Mitchel, and was negatived on the 5th of March instant by a large majority after debate and at a time when upwards of 200 Members were present in the House. The hon. Member for Louth, in the Question which he has just put to me, in substance asks me whether I am willing to give him copies of the same Papers as were moved for by the hon. Member for Kildare, or of such of them as are within the reach of the Government; but it appears to me that were I

to do so, I should be taking upon myself to act in direct opposition to the decision of the House as expressed on the Motion of the hon. Member for Kildare. I must, therefore, in reply to the Question of the hon. Member for Louth, state that I do not think it would be consistent with my duty to give copies of the Papers referred to in his Question.

MR. SULLIVAN: May I ask whether any of the Papers are in the possession of the Government?

THE ATTORNEY GENERAL: For the reason I have already given, I decline to answer that Question.

ARMY—THE MEDICAL SERVICE. QUESTION.

MR. LYON PLAYFAIR asked the Secretary of State for War, Whether it is true that, on the last occasion, only eleven candidates offered to compete for the vacancies in the medical service of the British Army; how many vacancies there are to fill; and, whether it is true that the first of the eight successful candidates in the late competition had only 84 marks beyond the last of the twenty successful candidates in the competition for the Indian Medical Service?

MR. GATHORNE HARDY, in reply, said, that the first part of the Question was perfectly correct, as stated by the right hon. Gentleman. With regard to the second part, there were now no vacancies to fill, there being seven in excess of the numbers upon the establishment. It was also quite correct that the last successful competitor for the Indian service was only 84 marks behind the first in the competition for the British service; but he was instructed by the examiners to state that the gentlemen selected were all qualified for the posts they had to fill. Upon other examinations, the reverse had been the case. The last candidate in the competition for the British service in 1873 had 2,318 marks against 2,195 of the first in the Indian competition. The numbers varied at times; but he admitted that they were generally to the advantage of the Indian competitions.

PARLIAMENTARY AND MUNICIPAL ELECTIONS ACT—THE REGISTER OF ELECTORS.—QUESTION.

MR. CARTWRIGHT asked the President of the Local Government Board,

If he will take into consideration the means of rendering the nominal lists of those in receipt of public relief available for facilitating the removal, according to statute, from the Register of Electors of all persons disqualified by such relief, inasmuch as many now continue upon the register in consequence of the difficulty to ascertain, by the method at present in force, the fact of their disqualification?

MR. SCLATER-BOOTH, in reply, said, the nominal lists of those in receipt of public relief were, under the general order of accounts, made up half-yearly to Lady-day and Michaelmas. The qualifying year for electoral registration ended on the 31st July, so that there was no knowledge on the part of the overseers as to the number of paupers who might have gone on the list between Lady-day and that date. It might, he thought, be provided as a part of the duties of clerks of guardians, that they should furnish supplemental lists for that intervening period, upon the request of the overseers, and upon payment of a reasonable fee, such fee to be part of the expenses incidental to the preparation of the list. He was not aware of any objection to that course being taken; and if that were found upon inquiry to be the case, he would give directions accordingly.

MILITIA—EXAMINATIONS FOR COMMISSIONS.—QUESTION.

MR. AGG-GARDNER asked the Secretary of State for War, If it is the case that the privilege accorded by the Civil Service Commissioners to the unsuccessful candidates for direct Commissions, of ascertaining the marks obtained by them in the subjects in which they have been examined, is refused to candidates from the Militia; and, if so, whether there is any prospect of this apparent anomaly being redressed?

MR. GATHORNE HARDY, in reply, said, it was not the practice of the Civil Service Commissioners to state the number of marks gained either by the successful or the unsuccessful candidates for the Militia. In the Army, the number of marks given to the successful candidates were announced, and the unsuccessful candidates could ascertain the numbers on application. The Civil Service Commissioners did not think it

would be desirable to state the marks in the case of the Militia, because what they wanted was to ascertain the number which would show efficiency on the part of the candidate.

INDIA—AFGHANISTAN—THE OCCUPATION OF HERAT.—QUESTION.

SIR PERCY BURRELL asked the Under Secretary of State for India, Whether, having regard to the occupation of Herat by the Ameer of Afghanistan, Her Majesty's Government are prepared to take such action as will be calculated to ensure the security of our Indian frontier, more especially with reference to Merv?

LORD GEORGE HAMILTON: Sir, as the language of the Question does not very clearly describe the facts upon which the hon. Gentleman bases his Question, I may be permitted to point out to him that Herat and Merv are not, as the Question implies, in immediate proximity to our Indian frontier. Herat is about 750 miles and Merv about 950 miles distant from Peshawur; and, secondly, I must remind him that Herat has been for many years an integral part of the dominions of the Ameer of Afghanistan, and that the action which the Ameer has recently taken in reference to Herat has been to send troops upon whose fidelity he could more confidently rely to replace the garrison previously occupying that post. The Indian Government are fully aware of the strategical importance of Herat and Merv, and that one of their duties is to insure, to the best of their power, the security of their frontier. I think, therefore, the hon. Gentleman may rest assured that in the performance of that duty the Indian Government will give every consideration to any circumstances which may occur in the vicinity of Herat and Merv.

PARLIAMENT—PRIVATE BILL LEGISLATION.—QUESTION.

MR. RODWELL asked the President of the Local Government Board, Whether he has any objection to direct that when the Local Government Department make any Report upon any Private Bill to the Committee on such Bill, or to any officer of either House of Parliament, a copy of such Report shall at the

same time be communicated to the agent or agents for the Bill?

MR. SCLATER-BOOTH: These Reports, Sir, as my hon. Friend is aware, are addressed, in pursuance of Standing Orders, to the Chairman of Committees and to the Chairman of Ways and Means, for their information, and for that of the Committees on the Bills. If the authorities of the two Houses see no objection, copies of the Reports may be furnished on application to the agents of the parties.

DESTRUCTION OF PEARL FISHING BOATS—H.M.S. "THETIS."—QUESTION.

LORD EDMOND FITZMAURICE asked the First Lord of the Admiralty, What was the result of the inquiry made into the destruction of a fleet of pearl fishing boats by Her Majesty's ship "Thetis" during her voyage from Suez to Aden in June 1873; whether compensation has been paid by Her Majesty's Government to the owners of the vessels which were destroyed; and, if so, what was its amount; and, whether it has appeared on the Estimates?

MR. HUNT: Sir, the whole of the Correspondence on this subject between the Foreign Office, Treasury, and Admiralty is printed at Page 25 of a Civil Service Parliamentary Estimate (Parliamentary Paper No. 77). The amount of compensation was £12,000, which was voted, after considerable discussion in this House, on the 5th of March.

THE CAPE COLONY—BOUNDARY AT DELAGOA BAY.—QUESTION.

LORD EDMOND FITZMAURICE asked the Under Secretary of State for the Colonies, Whether he can inform the House when the decision of the President of the French Republic is likely to be given on the question of the disputed boundary at Delagoa Bay, which has been referred to him for arbitration by the Governments of England and Portugal?

MR. BOURKE, in reply, said, the question of the disputed boundary had been for some time before the arbitrator, but had not yet been decided. More evidence was required, and when the decision was given Her Majesty's Government would, without delay, communicate it to the House.

Mr. Gathorne Hardy

NAVY—SHIPS OF THE LATE CHIEF
CONSTRUCTOR.—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether it is a fact that besides the "Active," built upon the same plan as the "Volage," there are about thirty armoured and about the same number of unarmoured ships of war built according to the design furnished by the late Chief Constructor of the Navy; whether the sea-going qualities of the greater number, if not of all these sixty ships, have formed a serious ground of complaint by many of the most distinguished officers in Her Majesty's Service, besides that of Captain Fairfax, commanding Her Majesty's ship "Volage," just published; and, whether he will consent to the appointment of a Committee to inquire and report whether the ships designed by the late Chief Constructor of the Navy can be considered as safe and efficient sea-going men of war, worthy a place on the Navy List of Great Britain?

MR. HUNT: Sir, the subject of the hon. and gallant Member's Question, cannot, in my opinion, be properly dealt with by a simple categorical answer. It involves much controversial matter, and is in effect an attack upon the professional ability of an hon. Gentleman who for some years held a responsible post at the Admiralty, and now occupies a seat in this House. I would suggest to my hon. Friend, if he thinks that the matter requires the attention of the House, that he should bring it forward in a way that would allow of his giving the grounds for the opinions he appears to entertain, and that would afford the hon. Member for Pembroke an opportunity for taking part in the discussion.

CAPTAIN PIM said, he would, in that case, give Notice that he should to-morrow move for a Committee to inquire into the sea-going and other qualities of the vessels designed by the late Chief Constructor of the Navy, Mr. E. J. Reed, C.B.

IRELAND—THE LINEN TRADE—CIVIL
BILL OFFICERS.—QUESTIONS.

MR. WILLIAM JOHNSTON asked the Chief Secretary for Ireland, Whether, on the renewal of the Acts regulating the Linen Trade in Ireland, which are at present of a temporary character, he will be prepared in the interests of that trade to render them permanent?

The hon. Gentleman also asked, If it is his intention this Session to introduce a Bill to remedy the grievances of the Civil Bill Officers of Ireland?

SIR MICHAEL HICKS-BEACH, in reply, said, most persons who were interested in the linen trade in Ireland seemed to think that the Acts now regulating that trade ought to be made permanent, and, therefore, unless in the meantime he received some important opinion to the contrary effect, he should introduce a Bill to carry out that object. The grievances of the Civil Bill Officers of Ireland appeared to have reference mainly to the salaries they received; but as their whole time was not employed by their official duties, and as in many instances they were employed in other avocations, it was not his intention to propose an increase of their incomes.

POST OFFICE—MAILS BETWEEN LON-
DON AND SALISBURY.—QUESTION.

MR. RYDER asked the Postmaster General, Whether, in order to avoid the carriage for 22 miles by Mail Carts of the Mails to and from London and Salisbury at night, and the damage not unfrequently resulting therefrom to articles sent by post, he will sanction the Mails being sent by Railway the whole distance, in the event of either of the Railway Companies establishing trains at suitable times for this purpose?

LORD JOHN MANNERS, in reply, said, that the mails to and from Salisbury and London were sent by railway, except on Sundays, when there was no train. The mail carts could not, however, be dispensed with, as they were required for the intermediate country letters. There was no evidence to show that letters or articles posted were more liable to damage when sent by mail carts than they were when sent by train.

SPAIN—SEIZURE OF THE SLOOP
"LARK."—QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for Foreign Affairs, Whether any steps have been taken by Her Majesty's Government, and what progress has been made since the last Session respecting the settlement of the claims against the Spanish Government arising out of the seizure of the "Lark" by the Cuban authorities in 1869?

MR. BOURKE, in reply, said, that

in October last Her Majesty's Government had directed the Minister at Madrid to request the Spanish Government to obtain a report from their officers in Cuba with reference to the subject, and that morning a despatch had reached the Foreign Office from Mr. Layard, in which a very different version was given of the occurrence from that which had been previously received from the captain of the vessel in question. Under these circumstances, it would be necessary to consider very carefully what steps ought to be taken in the matter.

PARLIAMENT—BUSINESS OF THE
HOUSE—THE EASTER RECESS.
QUESTION.

MR. W. E. FORSTER asked Mr. Chancellor of the Exchequer, After what hour that night he will not take the Friendly Societies Bill, which was the second Order? He likewise desired to know, Whether it is still the intention of the Government to proceed with the consideration of that measure on the Thursday before Good Friday? That would be an unusual course to take, as the House had certainly not met on the day preceding Good Friday for more than twenty years.

MR. DISRAELI: Sir, my right hon. Friend the Chancellor of the Exchequer will not take the Friendly Societies Bill after 11 o'clock this evening. With regard to the other inquiry of the right hon. Gentleman, I believe that until comparatively modern times the House always sat, for some generations, in Passion Week, and that it always met on the Thursday before Good Friday. I do not know of any exception to that rule. At the same time, it is my wish and my duty to consider the convenience of the House as much as I can consistently with the due progress of Public Business; and if it is more convenient to the House that on Thursday, in case the discussion on the Peace Preservation (Ireland) Bill is concluded, we should not take the Friendly Societies Bill, I would propose that we should take the Army Estimates on that day.

NATIONAL EDUCATION (IRELAND)—
WORKHOUSE SCHOOLS—NATIONAL
TEACHERS.—QUESTION.

MR. O'CLERY asked the Chief Secretary for Ireland, If it is the intention

of the Government to consider the claim of the national teachers engaged in Irish workhouse schools to payment by results fees, having regard to the fact that such teachers have been debarred this payment during the three years in which the result system has been in operation, though required to carry out all its details?

SIR MICHAEL HICKS-BEACH, in reply, said, that before he submitted to the House the proposals he sketched out the other evening, the claims of the national teachers engaged in Irish workhouse schools to payment by results fees would be fully considered; but he might point out that these persons did not occupy exactly the same position as teachers in the ordinary schools.

REGIMENTAL EXCHANGES BILL.

(Mr. Secretary Hardy, Mr. Stanley.)

[BILL 3.] COMMITTEE.

[Progress 4th March.]

Bill considered in Committee.

(In the Committee.)

On Motion, "That the Preamble be postponed,"

COLONEL NORTH, in explanation, said, that in his remarks the other evening, he had not the slightest intention, as had been represented, of imputing to the late Sir Henry Havelock that he had derived "pecuniary benefit" from the system of exchanges. What he had said was, that the system of exchanges had given Sir Henry Havelock the opportunity of remaining in India, which afterwards became the scene of his success and his glory. It was not his intention to use one word which would give pain to the hon. and gallant Member (Sir Henry Havelock) or cast a slur on the honoured name of his father.

THE MARQUESS OF HARTINGTON said, he had no intention of saying anything which would tend to re-open the discussion on the main principle of the Bill. That principle he understood to be the legislative provision that the difference of value between one commission and another might properly be expressed by a money payment, and that there was no reason, military or moral, why officers should not make what arrangement or bargain they pleased in exchanging one commission for another. He need hardly say that he deeply re-

Mr. Bourke

gretted the decision of the House; but as the House had adopted the principle, after two nights of full discussion, by a very considerable majority, he did not think any useful object would now be served by re-opening the discussion. He rose wholly for the purpose of eliciting some further information as to the mode in which the Bill was to be carried out, and as to the views which the right hon. Gentleman held in respect to some of the claims for exchanging which some of the officers might make. It would be useful and important for the Committee to know whether the Secretary for War intended to sanction all exchanges which might be proposed to him by officers, if there was nothing extremely objectionable upon the face of the transaction; or whether, on the other hand, he intended by stringent regulations to provide that only such exchanges should be sanctioned as, either for reasons connected with the officers' health or for strong reasons of personal convenience, might appear necessary. Some information on these points had been given by the right hon. Gentleman, who had stated that he did not wish to discourage exchanges, but desired that they should be decided on their merits and from considerations of public convenience, leaving the money payments to be settled between the individuals. From that statement, the Committee might gather that it was only in rare cases and for strong reasons that the right hon. Gentleman meant to sanction exchanges. Further on, however, he used words tending to an opposite conclusion, for in another part of his speech he had said that a man might wish to exchange because he did not like his regiment; because his father had been in a regiment and he wished to get into the same; from reasons of nationality; or for other reasons of that kind. Now, he (the Marquess of Hartington) thought that if this was to be the principle on which the Bill was to be worked, these instances would open the door tolerably wide, for one or other of them would be certain to apply; and, as a consequence, we should soon see a very general system of exchanges and paying for exchanges. That was no mere theoretical opinion. The evidence given by Colonel Bray and Colonel Campbell before the Royal Commission showed that before the abolition of Purchase, when payments

were allowed for exchanges and the sanction of the War Office and the Horse Guards was required, exchanges were constantly made, a certain market for them existed, and they were hardly ever refused. Now, without speaking of abuses, that was the system to which we were going to recur. But were not abuses extremely likely to spring up under such a system? The right hon. Gentleman the First Lord of the Treasury (Mr. Disraeli) said the other night he had heard a great deal of abstract reasoning against the Bill, but very little practical argument. The right hon. Gentleman, however, could scarcely have attended to the speeches of his hon. Friend the Member for the Border Burghs (Mr. Trevelyan), who showed how, under the system, it would be possible for an officer to purchase, not actual promotion, but the prospect of speedy promotion; while the hon. and gallant Gentleman the Member for Sunderland (Sir Henry Havelock) showed how it would encourage the revival of the bonus system, by officers making a purse and thus enabling an officer who stood in their way to exchange out of the regiment; and how an officer might, by watching his opportunity, purchase a majority in a regiment. We might be told that the veto of the Secretary of State for War and of the Commander-in-Chief would be sufficient to prevent abuses. But we know that abuses of a similar character had grown up under the old system, and it was very much to be doubted whether the Secretary of State for War and the Horse Guards, even with the best possible intentions, would have the means of checking those abuses. The parties wishing to exchange would have the best possible reasons for doing so; they had been suggested by the right hon. Gentleman, who by-and-by would find it difficult to discover what was the real motive for the exchange. In fact, the right hon. Gentleman was rather proud of knowing nothing whatever about the sum paid. But if he did, he might know something also about the ulterior motives; because if a very large sum was paid, it might suggest that some material consideration, which did not appear on the surface, had entered into the transaction. The right hon. Gentleman had said over and over again that he would know nothing about the money to be paid for the exchange; that would

be left entirely to the officers exchanging. But in adopting that course the right hon. Gentleman would refuse the only means that would enable him to judge whether the motives for the proposed exchange were honest and good. Moreover, supposing the right hon. Gentleman had resolved that the veto of the authorities should be brought into exercise to prevent the possibility of abuse, what an unenviable task the Secretary of State for War would be about to undertake. The right hon. Gentleman had said the other day,—"An invidious duty is cast upon us which we ought not to be called upon to discharge—that of saying what amount of money might be necessary to cover the reasonable expenses of an exchange." But any experienced clerk in the War Office would not have any difficulty in checking the amount that ought to be paid. The right hon. Gentleman truly said that would be an invidious duty; but what was the duty he was about to undertake under the Bill? Having sanctioned last week an exchange between Captain A and Captain B on what appeared to be good grounds, Captain C and Captain D would come the week after with an equally plausible story. But the right hon. Gentleman or the Commander-in-Chief might have heard something in the interval which led them to think that there was more in the matter than was apparent, and said,—"I can't allow this, though you bring forward very good reasons for it." Did the right hon. Gentleman think that Captain C and Captain D, who might be altogether guiltless, would think themselves fairly treated? In fact, it seemed to him that the right hon. Gentleman and the War Office would find themselves in this dilemma—either they must sanction exchanges generally, they must open the market to an unlimited extent; or they must restrict the power of exchange very much, and thus disappoint the expectations raised in the minds of officers, as well as the intentions of the Commissioners themselves, who had recommended payments for exchange in the interests of officers of slender means. How would officers of slender means be benefited, unless something like an open unrestricted market was allowed? Probably the Committee would be told that these abuses did not occur under the old system, and that there was no reason to

think they would prevail under the new. But the answer to that was that things were entirely altered since the abolition of Purchase. When officers could buy promotion directly, there was no reason why they should buy it in a roundabout way. But when Parliament had closed the door against buying promotion in a straightforward way, it was very objectionable that they should be able to purchase it in a roundabout manner. Further, there was another reason why abuses should spring up under the new system which were not likely to arise under the old. That was the only outlet by which rich men would be able to turn their money to account, all the other outlets having been stopped up, and therefore it was far more likely that payment for exchanges would be made use of in an unlimited manner under the new system than when Purchase was allowed. There was one answer which would be likely to be given to his objections. When the Abolition of Purchase Bill was before the House, Lord Cardwell was repeatedly asked to lay on the Table the Regulations he intended to make with a view to ensure a proper flow of promotion, but he always refused. But the cases were not at all analogous. It was impossible for Lord Cardwell to draw up a scheme until he knew how far the flow of promotion would be retarded by the abolition of Purchase, if it would be retarded at all. Lord Cardwell promised that the flow of promotion should not be retarded, and that as soon as the necessity arose he would bring forward a scheme. But the evils of the exchange system, if evils there should be, would arise at once, and therefore the right hon. Gentleman must be prepared to meet them. The House, then, had a right to ask in what way he was prepared to do that. He trusted the right hon. Gentleman's answer would at least show that he was alive to the existence of at least possible dangers of abuse, and also that he would point out the way in which he intended to deal with them. The right hon. Gentleman's answer would very much facilitate the debates of the evening upon the clauses of the Bill and the Amendments. He could not pretend to say he expected that the answer would be completely satisfactory. The Committee could not help reflecting that regulations might fail. He was perfectly willing to give

The Marquess of Hartington

the right hon. Gentleman and the Commander-in-Chief every credit for their wish to do nothing to restore the system of Purchase; but the Committee could not feel any security that the right hon. Gentleman would always occupy his present position, and 'he might be succeeded by others who would not hold the same views. He trusted, in the few observations he had made, he had said nothing which could expose him to a charge of abstract reasoning. He had put forward some practical considerations which he hoped the right hon. Gentleman would not think unworthy of a reply.

MR. GATHORNE HARDY: I am not certainly without some surprise at the course taken by the noble Lord when I remember the course taken by his Government on the subject of the Abolition of Purchase. When the Bill of Lord Cardwell was defeated in this House, he at once proceeded to carry out the proposals of that rejected Bill by Royal Warrant, without any intimation to this House whatever as to the mode in which he proposed to abolish Purchase or to regulate exchanges; and he took upon himself—that is to say, the Government took upon itself—to regulate everything, even to the minutest details, connected with one of the greatest changes of public policy ever known without any communication to this House at all; and the noble Lord now calls upon me to say exactly what I shall do when this Bill becomes law. I am not bound to follow the path indicated by the noble Lord; but as I have no desire for concealment or evasion, I will state on what I depend for security. How is it at the present moment? We are protected from Purchase by certain regulations. The noble Lord (Lord Cardwell) laid down the rule that the officer about to be promoted should make a declaration as to paying money. How, at the present moment, are we protected from the evils of undue payments in the case of exchanges? How have we any security that no money has passed beyond the actual expenses? Only the declaration of the officers themselves. When I see that that security contented the noble Lord, and that its efficacy has never been impugned, I feel that I may rely on the same declarations that he did. I am far from admitting that the evils shadowed forth so darkly by the

noble Lord are likely to be the result of this Bill; yet there are some things which might occur, but which never did occur under the old system. The noble Lord opposite and his Friends have suggested modes by which, under this Bill, Purchase may be re-introduced into the Army. I do not believe that their suggestions will be followed. I think that danger may be guarded against as easily now, by the declarations of the officers concerned, as it is under the present system. An impression seemed to exist that some new law of exchange is about to be introduced. That is not the case. The Bill will not introduce any greater laxity into the system of exchanges than existed before. All that it will do will be to sanction by law what was sanctioned by custom, provided always that it be done under such conditions as shall prevent any one else being superseded, or in any way affected. What we want to do is to render the practice which so long existed conformable to law. My Predecessor at the War Office did not treat the question on the same high grounds as the noble Lord opposite. He simply put it upon the grounds of personal convenience to the officers, so long as nobody was superseded. When the Purchase system existed, as Mr. O'Dowd said, there were no doubt a great many exchanges made simply and solely with the view of effecting sales afterwards. But that has all been done away with. It is absurd to think those purses we have heard of will be made up by gentlemen who can have no reasonable ground for believing they will get an equivalent. It is very unlikely that the captain will purchase out his senior, when the major is to be promoted by selection, and he can have no hope of obtaining the next step. If you will simply take the trouble to estimate the small number of exchanges occurring at present between majors and lieutenant-colonels, and study that in connection with this Bill, you will, I think, acknowledge the unlikelihood of any great increase in such exchanges. All I wish to do is to facilitate exchanges in all reasonable cases; and I do not admit that a man has either the right or the privilege to exchange whenever he pleases, without reference whatever to the general service. Such an idea has never been recognized. As an illustration of this, I may mention that a case occurred the other

day, where an officer whose regiment was going to India exchanged into another stationed at home. Well, a very short time afterwards, the regiment at home was also ordered to India, and he was obliged to accompany it. In former times exchanges have often been refused by the military authorities, and for various reasons, such as where a man had exchanged too often, or even once before. What I propose, and what, under the Bill will alone be permitted, is this—that although the officer exchanges from one regiment into another, he is subject in doing so to the military authorities, and will find himself, whenever the good of the service requires it, in the position of a man who pays no money at all. He will remain just as much at the beck of the military authorities as if he does not exchange at all. In case he is required to go to India the very next day, he will be sent without regard to the money paid for the exchange. I have thus shortly touched on the points mentioned by the noble Lord. I say the same means by which exchanges are controlled under the present system will still remain in force. Exchanges in the Artillery and Engineers are not under the Act of Parliament at all. That point was brought out by Sir George Grey in the Commission on Over-Regulation Prices. What is forbidden by the statute is, an exchange of commissions. There must be two regiments, or there is no change of commissions. Yet the hon. Member for Glasgow (Mr. Anderson) wishes to put into the Bill the case of non-commissioned officers and privates—that is to prevent the exchanging commissions where there are no commissions at all. Then the noble Lord says this will be a roundabout way of buying promotion. Well, I have listened very attentively to the whole of the debates on the subject, and the only argument in that direction which I have heard is the making of a purse by the junior officers to purchase out one of their seniors. Now that, I think, can very easily be checked by the declarations to be made by the officer and the regulations of the service. When I reflect upon the former system of exchanges under the Purchase system, I cannot help arriving at the conclusion that our safety lay in the fact that there was no direct recognition by the State of the money that was paid by one officer

to another. But what the noble Lord and his Friends wish to do is to fix and continue a regulation price. Well, all I can say is, that the dangers that were likely to arise under the old system were much greater than any which are likely to spring up under this Bill. In the American Army the consent of the two officers is sufficient for an exchange; no inquiry is made as to what money passes between them; and it is the same in France when the State is put to no expense. In conclusion, I wish to say that I simply desire to give a fair protection to officers in effecting exchanges; that when, on reasonable grounds, they demand such exchanges, unreasonable objections shall not be urged against them; and that exchanges shall be granted when proper and reasonable grounds are stated on their behalf, and, as I said before, provided the professional prospects of other officers in the regiment are not affected.

SIR WILLIAM HARCOURT understood the right hon. Gentleman to say that, in future, there would be the same protection as at present in the declaration to be made on the honour of the officer that he had not received more than the fair expenses incident to the exchange.

MR. GATHORNE HARDY said, at present, under the regulations of the late Government, they relied on the honour of the officer as to the amount received. He also relied on the honour of the officer in the declaration to be made under the new system.

SIR WILLIAM HARCOURT entirely agreed that they could rely on the honour of the officer; but the right hon. Gentleman had not explained to the Committee what declaration the officer had to make. That was what they wanted to know. What security had they that Purchase would not be restored? The right hon. Gentleman said Purchase would not be restored; selection would protect them from that. They had heard some years ago, on the highest military authority, that selection could not be worked; then promotion would mainly go by seniority, in a regiment; and, if so, it would be of great importance to a man to buy the place of senior captain, as he would have, if not an absolute certainty, a high probability of promotion. A junior captain wanting to get up to the senior captaincy

Mr. Gathorne Hardy

would subsidise exchanges. That was what would take place. ["Oh, oh!"] Hon. Members might say "Oh, oh!" but it was a well-known practice—[An hon. MEMBER: Not in exchanges.] That might not be so directly; but did they never hear of subsidizing an exchange? It was the commonest practice in the Indian Army. Where a man could not buy a step himself a purse was made to enable him to do so, and that would be done by means of exchange. The thing could not be done directly as in the case of Purchase; but it would be done indirectly by exchanges. What was to prevent a man helping one above him to the money necessary to exchange when he knew that when the exchange was made he would get a step? What security was there against a transaction of that character? The argument derived from the Artillery and Engineers was altogether inapplicable. The argument of the Secretary of State for War was founded on the idea that an officer was commissioned to a regiment; but he was informed that that idea was based on a complete misapprehension—that an officer was commissioned to Her Majesty's Army, and that he was only gazetted to a regiment. At all events, the Secretary of State ought to let them know what was the declaration on which they were to rely.

SIR CHARLES RUSSELL said, that after listening to the arguments of hon. Members opposite, he was unable to gather how it was that the proposal to facilitate exchanges could help promotion. If a junior captain exchanged into another regiment and found himself at the bottom of a list of nine, was it to be supposed that the Horse Guards were so blind that they would allow him to effect nine exchanges in succession? In the experience of the oldest soldier, there had been nothing approaching to such a suggestion. Under the old system of purchase a man could exchange with a poor officer, and, by paying a regulation price, buy promotion over the heads of other officers; but under this Bill, officers would simply be allowed to exchange, subject to the approval of the Commander-in-Chief, for their own convenience, provided the exchange did not interfere with the interests of the service; and for the life of him he could not see how this privilege would give rise to traffic in promotion. The explanation of the Se-

cretary of State was as clear as daylight to military men. It did not seem to be understood by hon. Members opposite, and he did not think if it were discussed for three weeks, they would understand it a bit better.

SIR HENRY HAVELOCK said, the hon. and gallant Member for Westminster must have been absent when it was shown there was a danger of exchanges being made the means of buying promotion, unless the Bill should be modified as proposed. He himself sketched the successive steps by which, as soon as the Bill passed, if not so modified, a major would have an opportunity of exchanging from a battalion in India, and in making that exchange he would look for a regiment where the lieutenant-colonel must shortly retire, either on half-pay or full-pay, so that on arriving at that favourable position by exchange, there would virtually stand but one officer between him and that step—namely, the senior major. Then, if he chose his regiment discreetly, he might find the senior major accessible to a further exchange out of his way, and, by paying an additional sum, say £1,000, he would inevitably in the course of 18 months or a couple of years drop into the command of that regiment. The Report of the Royal Commission was full of such cases. It was said that there was a fallacy in that argument in consequence of the question of selection; but what had happened in the past, afforded some indication of what might take place in the future. Out of 149 cases occurring in three and a-half years there were only three which could be called instances of pure selection. As he had said on a former occasion, it was one of the evil effects of this system of exchanges, unless some check was put to it, that it tended to a division of the officers of the Army into two classes—a rich and a poor, with conflicting interests detrimental to the service; it would tend to stimulate what the authorities had been desirous of putting down—an extravagant mode of living in the Army—and if officers were thereby thrown into debt, they would be the more open to offers of money for exchanges.

COLONEL LOYD-LINDSAY said, it was with regret he had to complain that hon. Members opposite had from the first onset treated the question as a Party one. By doing so, they increased the

difficulty officers felt in discussing it as a purely military question. The right hon. Gentleman the Secretary of State for War proposed the Bill with the intention of making the Act of 1871, introduced by Lord Cardwell, work more easily and harmoniously for the officers. It was perfectly clear that the facilitating of exchanges, which was the main object of the Bill, would be a great advantage, and render the service much more pleasant for the officers than if they were bound down by a hard-and-fast line; but he regretted somewhat that the Secretary of State for War did not fix a regulation sum within which these exchanges would be allowed. Without such a limit, he thought there was some danger that the Bill, instead of working in the direction in which the Secretary of State wished it to work, would have a contrary effect. A certain number of officers who wished to stay at home, and were willing to pay a sum of money for exchange, would inscribe their names in the Army Agents' books, and the officers who were willing to go abroad would do the same. If the number of the officers who wished to stay at home exceeded those who were willing to go abroad, the exchange price would rise, and he supposed it was not the right hon. Gentleman's wish that a bonus system should grow up which would carry an exchange beyond the means of officers in moderate circumstances. Much had been said about the privileges of the Guards. Well, they had privileges, and they highly valued them; and although of late years they had been pretty well cut down, still they existed; for they still had the privilege of serving in the immediate presence of the Sovereign, and the other great privilege, that they were the first to go out to service in the event of a European war suddenly breaking out. For himself, he would gladly pay £2,000 or £3,000 to enjoy those privileges—especially the latter. The Guards formed one of the best schools one could enter for the Army; and in the Guards, one had the advantage of coming under the eye of the Commander-in-Chief as well as of the Secretary of State for War. He did not wish to see these privileges ever done away with. The Guards were the standard regiment of the service to which other regiments looked, and he hoped it would always be so; but there was a danger

in saying that you would allow an officer after serving a few years in the Guards to exchange and pay money for it. There was no doubt that those who were looking for good officers to serve with them went to the Guards to pick them out. For instance, the Governor General of India, the Governor General of Canada, and other high officials came to the Guards for their military secretaries, and their comrades in the Army did not grudge them these advantages; but if the price of exchanging from the Line into the Guards rose to £2,000 or £3,000, it would be very difficult to maintain the privileges of the Guards. What objection could there be to fixing a regulation price?

THE CHAIRMAN begged to remind the hon. and gallant Gentleman that he was now anticipating an Amendment of his own, which would, in due course, come before the Committee.

COLONEL LOYD-LINDSAY said, he was not aware that he was trespassing on the Amendment. His only object was to impress upon his right hon. Friend the danger of the amount that would be given for the exchange rising considerably beyond the sum he anticipated. He wished the Secretary of State would give the Committee some assurance that if these exchanges rose unduly, he would fix a limit and keep the power of regulating these exchanges in his own hands or in those of the Commander-in-Chief.

MR. CHILDERS wished to put a question to the Secretary of State for War. The right hon. Gentleman had stated that we should in future have the same protection by a declaration on the part of the officers, such as had existed in times past, against abuses under this Act. What he wanted to know was, whether that declaration had any reference to the receipt or payment of money; and, if so, what that declaration would be?

MR. GATHORNE HARDY: I will give the right hon. Gentleman an answer as far as I think it consistent with my duty to do so. I reserve to myself the form of the declaration; but I have no hesitation in saying that a declaration ought to be made that an officer has not been assisted by his junior officers in obtaining the exchange.

SIR H. DRUMMOND WOLFF said, that a statement of his, made a few

Colonel Loyd-Lindsay

nights ago, to the effect that many officers after a short service in the Army were useful in the Militia and Volunteers, had been much commented upon; but he had in his hand a long list of Militia and Volunteer regiments in which that was the case. The hon. and learned Member for Oxford (Sir William Harcourt) was in error in supposing that the Royal Warrant of 1871 contained any words about the passing of money. In answer to the hon. and gallant Member for Sunderland (Sir Henry Havelock), he would also remark that, by the Royal Warrant issued on the recommendation of Lord Cardwell, every promotion was to be made on the recommendation of the Commander-in-Chief, with the approval of the Secretary of State for War. If any officers had been set aside, it must, therefore, have been with the consent of Lord Cardwell. In answer to the remarks of the hon. and gallant Member for Berkshire (Colonel Loyd-Lindsay), respecting exchanges from the Guards, he believed that since the year 1868 only one exchange per annum on the part of the officers had been made. These exchanges must not only have the consent of the Commander-in-Chief and the Secretary for War, but also the approval of the lieutenant-colonels of regiments, who watched exchanges very closely, and were very jealous of the honour of their corps. The hon. and learned Gentleman the Member for Oxford had changed his tone of late in reference to this question. It was not long since he was endeavouring to have Oxford made a military centre, and he painted in glowing colours the advantages which all concerned would derive from this object being attained. He seemed, however, to forget that the troops brought together in such a centre would be commanded by the "fancy officers" to whom he had referred in far from complimentary terms. He wished, in conclusion, to remind the House that the phrase "fancy officers" was not his. He quoted it on a previous occasion from the hon. Member for Glasgow (Mr. Anderson), to whom he begged to return the copy-right.

MR. ANDERSON regretted that any remarks should have been made by the right hon. Gentleman the Secretary for War on his Amendment before it came under the consideration of the Committee. It was very unfair to endeavour to pre-

judice that Amendment before he (Mr. Anderson) had been heard; and he thought that as the Chairman had called the hon. and gallant Member for Berkshire (Colonel Loyd-Lindsay) to Order for speaking on an Amendment not then before the Committee, he ought equally to have called the right hon. Gentleman to Order. The remarks of the right hon. Gentleman were entirely erroneous, because the Act of 1809 made it a misdemeanour to traffic in any commission, office, place, or employment.

COLONEL EGERTON LEIGH said, he was unable to see the force of the rich-and-poor-officer argument which had been so persistently trotted out in the discussions on that Bill. The fact was, that a very small proportion of rich officers existed in the Army, and that therefore there was very little money among them to pass from hand to hand in case of exchanges. Rich officers in the Army were like the plums in school-boy's puddings—*rari nantes in gurgite vasto*. There were men in the service who were very poor, and their prospects had been destroyed by Purchase being done away with, because it was to many of them almost a necessity to get to India in order that they might live on their pay. In that case, it seemed to him, as he had said, to be a matter of course that there could not be much money to exchange on either side. A poor man with a wife and large family wanted to get to England, and a poor man who wished to live on his pay wanted to go to India.

GENERAL SIR GEORGE BALFOUR said, he wished to remind the right hon. Gentleman the Secretary of State for War, that though stringent regulations had always existed in the Army against exchanges to which money considerations were attached, means had always been found to evade such regulations. He deprecated the course now followed of giving to officers the right by law to effect those exchanges which should alone be permitted on military considerations. No one was more anxious than he was to see the rights and privileges of men and officers thoroughly established; but there was a limit to these rights, and especially to the form now proposed, of an Act of the Legislature, to establish exchanges by law, instead of by a General Order or by a Royal Warrant. The fact was, that the evil effect of abolish-

ing a European force for the Army of India was now being felt, and would, doubtless, be more severely felt in the future, so that it would end in having two classes of officers in our Army—one suited for the Colonies, and one for the Home Army. In that way, all the anticipations so firmly believed in, when the European Army of India was unwisely abolished, would be falsified, and the evils said to have existed under the former system of two Armies would be really felt, instead of being mainly imaginary.

Mr. ONSLOW said, he also wished to remind the noble Marquess who led the Opposition, and who had apparently made up his mind to thwart the Bill in every way, that those hon. Members who sat on the Ministerial side of the House were determined to carry the Bill in its integrity. He believed that it would increase the efficiency of the British Army and remove one great inconvenience which now existed.

Mr. A. H. BROWN said, he was unable to support the Bill, and he hoped it would go no further than its present stage. His principal objection was based on the fact that in certain favoured Cavalry regiments they were going to endow commissions with a money value. Officers in those regiments might, under the new system, exchange, and after a certain number of years retire from the service with the exchange money in their pockets, there being nothing in the Bill to prevent such an arrangement.

Motion agreed to ; Preamble postponed.

Clause 1 (Short title of Act) *agreed to.*

Clause 2 (Authorised exchanges exempted from Army Brokerage Acts).

Mr. ANDERSON, in moving, as an Amendment, in page 1, line 11, after "officers," to insert "non-commissioned officers and privates," said, he must confess himself surprised that the Secretary of State for War should have refused the Amendment, because he had thought the right hon. Gentleman would have been anxious to have removed from the Bill the stigma of being unjustifiable class legislation. The objection urged against his Amendment he had already stated to be entirely erroneous. What did the Bill pretend to do? All it said was, that the Brokerage Acts should no longer stand in the way of officers exchanging commissions.

General Sir George Balfour

But the old Brokerage Laws were not confined to officers. The Act of 1809 provided that no person holding a commission, place, or employment under the Crown should traffic in the same. There was therefore no limitation whatever to officers who held commissions, and so his Amendment was quite regular. No one who had listened to the debates on the subject could have come to any other conclusion than that the only argument in favour of the Bill was that it would be acceptable to the officers. That was the basis of the Report of the Commissioners, and it was the basis of all that had been said on behalf of the Bill. It gave the chance of gaining money to the poor man, while to the rich man it gave the privilege of selecting his regiment as well as the district or country in which he should be stationed. Money to the poor, privilege to the rich—the very things those classes most desired. He did not blame the officers for thinking these things acceptable. The same privileges would be acceptable to any other class; but being acceptable and being such good things, why should they not have them all round? If they were good for the officer, why were they not good for the non-commissioned officer and private? It might be said to be beyond the Preamble of the Bill to extend it to all the public services; but distinctly it was not contrary to the Preamble to include non-commissioned officers and privates. That the privileges would be equally acceptable to them, there was no reason whatever to doubt. Officers were allowed without the Bill to effect exchanges, and the hon. and gallant Member for Brighton (General Shute) said, privates and non-commissioned officers were at present allowed to effect exchanges. Therefore, at present, they were all on an equality; but the object of the Bill was to stimulate exchanges by money payments. Why should they stimulate exchanges for money payments among the officers, and not do so among the non-commissioned officers and privates? It might be said that the sum they could pay would be very small; but it would be as great a relative price to the poor man who received it. In fact, the only objection he had heard urged was that the non-commissioned officer or private could not pay the cost of coming home from India. But the Bill was not limited to India.

It had no geographical limit. Now, a non-commissioned officer might wish to exchange from Aldershot to London, or from Paisley to Edinburgh, or they might wish to exchange from one regiment to another from reasons in no way connected with locality. In the same way as the officers, they might wish to go into the same regiment where they had a brother or some other relative. But he had a word to say about the inability of privates and non-commissioned officers to pay for exchanges. A Return which had been recently issued showed that in the military savings bank there was a sum of £332,000 of the savings of these privates and non-commissioned officers, which showed that they had a little money to expend in this way. In those circumstances, he did not see why the non-commissioned officers and men should not have the same privileges as were given to the officers. A great deal had been said about the discontent which existed in the Army, and which the Bill they were now discussing was intended to allay; but it appeared to him that nothing could be more calculated to lead to discontent among the rank and file than the Bill itself. The hon. Member concluded by moving the Amendment.

Amendment proposed, in page 1, line 11, after the word "officers," to insert the words "non-commissioned officers, and privates."—(*Mr. Anderson.*)

MR. GOLDNEY said, the Act of 1809 was passed with the view of bringing in certain officers not included in the old Act of Edward VI. The class of non-commissioned officers and privates were not affected by the Army Brokerage Act, and he did not think the Amendment was at all germane to the purposes of that Act. He would further remark that non-commissioned officers and privates were in no way affected by the Bill either, inasmuch as a rule at present was in force at the War Office by which a man might claim to go into the regiment where his father or brother was. In fact, they possessed the very privilege which the hon. Member for Glasgow (*Mr. Anderson*) sought to give them by his Amendment.

COLONEL MURE said, he had always given the hon. Member for Glasgow (*Mr. Anderson*) credit for knowing something about the Army, and so when he

saw his Amendment on the Paper he thought it must be a humorous one. He now found, however, that it was not supported by a humorous speech, and so he was forced to the conclusion that the hon. Member was in earnest. He was sorry that the hon. Gentleman had dissipated the impression in his mind that he knew something about the Army; but every hon. Member in the House, whether he belonged to the military profession or not, must be perfectly aware that the Amendment with which the time of the House had been taken up was perfectly useless. It was an Amendment which could not receive his support, nor that of the Liberal Party. He went further, and said that without drawing any comparison between officers and men—and no such comparison could be drawn—it could not receive the support of any one who had any practical knowledge of the Army.

GENERAL SHUTE said, that he could come to no other conclusion than that some of these Amendments were simply proposed with a view of delaying the Bill. He was opposed to what was called the "levelling" system; and, in his opinion, class distinction was necessary to discipline. No colonel ever troubled himself about exchanges effected by non-commissioned officers and privates, so that the soldier got the best of it. He therefore opposed the Amendment.

CAPTAIN NOLAN pointed out that the proposal would cost the Government of India about £200,000. Every year 6,000 or 7,000 men were allowed to return home from India. Of that number he believed 2,000 or 3,000 wished to stay in the country: but if they were allowed to exchange, there would be that number of men coming home every year in addition to the present number, and 2,000 or 3,000 others going out from England to replace them. He might support the Amendment; but he did so with his eyes open, and on the ground that, if adopted, it might be the means of improving the class of non-commissioned officers.

MR. WHITWELL also supported the Amendment, believing that in many instances the principle would be very valuable. He could not see why the privilege proposed to be given to the officer should not be extended to the soldier.

THE MARQUESS OF HARTINGTON said, he did not know whether the hon. Member for Glasgow (Mr. Anderson) intended to press his Amendment to a division, but he hoped he might be induced to withdraw it; for he had not satisfied him (the Marquess of Hartington) of the existence of any practical necessity for the legislation which he proposed. Therefore, not seeing any practical object in the Amendment, he hoped the hon. Member might be induced to withdraw it, especially as he (the Marquess of Hartington) could not support it.

MR. ANDERSON said, he had fully expected the officers to be jealous of their privileges, and therefore it was not surprising that all but one of those who had spoken against his Amendment were officers. He might also perhaps except the noble Marquess; but he had long since given up expecting anything thoroughgoing from that front Bench. The only practical argument was that of the hon. and gallant Member below him the Member for Galway (Captain Nolan); but in reply to him he had to say that he fully admitted that it was inoperative as far as India was concerned.

MR. G. O. TREVELYAN said, that if the hon. Gentleman wanted an argument from below the Gangway, he would give him one in a single sentence. There were hon. Gentlemen there who objected to all exchanges of public offices for monetary considerations. They objected to it in the Courts of Law, and they objected to it in the Army; and what they objected to in the case of officers they objected to in the case of non-commissioned officers and privates.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 47; Noes 322: Majority 275.

MR. HAYTER, in rising to move, as an Amendment, in page 1, line 11, after "officers," to insert "not being regimental field officers," said, when Purchase was abolished the recommendation of the Duke of Somerset's Commission was adopted, that all these officers should be promoted by selection on the responsibility of the Commander-in-Chief. But it was impossible to retain the power of selection in the Commander-in-Chief and allow officers commanding regiments to nominate their successors. He

wished also to call the attention of the House to the manner in which it would affect the position of superior officers. He had known a case where Major Fraser was serving with a Cavalry regiment—the 7th Hussars—as junior major in India. He exchanged into the 11th Hussars at home, becoming the only major. The lieutenant-colonelcy became vacant in a short time, and, having been appointed, Colonel Fraser became a full colonel in the Army in five years, thus far outstripping his comrades in the 7th Hussars, who remained with their regiment in India. The hon. and gallant Member for Sunderland (Sir Henry Havelock) had stated that out of 149 promoted by selection, only three had been taken out of regimental promotion, but the case would be very different under the proposed system. Suppose an exchange was made, would that exchange be only for the unexpired term of five years, or would the man who succeeded come in for an entirely new term? In the latter case, the power of selection would be taken out of the hands of the Commander-in-Chief; in the former, the perpetual change of command would be seriously detrimental to the discipline of the regiment and to the public service. He thought it highly probable that this Bill would be worked so as to bring back all the old evils of Purchase, and it was therefore he moved the Amendment. If it were carried, it would remove much of the evil principles of the Bill; but if, on the contrary, the Bill were passed in its present shape, it would be fatal to the system of selection; most injurious to all those regimental officers whose promotion was now the subject of consideration by a Royal Commission, and extremely prejudicial to the discipline among non-commissioned officers and privates, who would know that again, in the opinion of the House of Commons, the command of 1,000 men was to be a matter of purchase or sale to be hawked about in the public market.

Amendment proposed, in page 1, line 11, after the word "officers," to insert the words "not being regimental field officers."—(Mr. Hayter.)

Question proposed, "That those words be there inserted."

MR. STEPHEN CAVE said, he must remind the hon. and gallant Gentleman

that the system of exchanges would remain as at present; the only difference being as to the payment. If there were two ranks in the Army to which the Bill would more properly be applied than another they were those of lieutenant-colonel and major, because to them the plan of selection applied. Another objection was this—it would interfere with promotion, because when a lieutenant-colonel or major were near the end of their time, other officers would come in and get the fresh term of five years; but his right hon. Friend the Secretary of State for War had already said that that would not be. It might as well be said that because a lease was originally for 99 years, if it should be taken from the original possessor after 50 years it would run back to the 99 years again. He thought the Committee would do well to reject the Amendment.

MR. CAMPBELL-BANNERMAN said, he had hoped the right hon. Gentleman the Secretary for War would have accepted that Amendment, for, according to his own showing, there would be in the case of field officers few, if any, exchanges, and he would therefore be giving up very little in admitting the Amendment. All the evils and dangers which it was feared would result from this Bill were concentrated in the case of the field officers of the Army, because the smaller the body to which and from which exchanges were to take place, the greater the danger would be. If selection for field officers' appointments was to be a reality—and he could show that it had been exercised during the last two or three years in a sufficient number of cases to assert the principle—nothing could more effectually neutralize it than the power conferred by this Bill upon an officer immediately to exchange into another regiment from that to which he had been appointed by selection. The Committee should not forget that the Bill practically conferred on the officers of the Army a right to exchange—a right qualified only by "military reasons." No answer had been given to the question—what was meant by "military reasons," in virtue of which exchange was to be allowed? Was it that no exchanges were to be allowed that were not demanded by military considerations, or was it that no steps were to be taken to prevent exchanges

unless they militated against the interests of the service? What sort of a position would the Commander-in-Chief be in when he was called upon to assent to an exchange one day, and to refuse an application for an exchange the next? It would be almost impossible for him to resist the appeals that would be made to him, and to discriminate between the cases. The effect would be to give, contrary to the wishes of the House, a direct money value to the patronage of the Commander-in-Chief, for an appointment as field officer to a home regiment would be worth, by means of exchange, a considerable sum of money. If there were two or three officers of nicely-balanced claims as to merit, it would be a delicate matter to decide who was to be appointed to the lucrative command—namely, that which was convertible into money. If, on the other hand, selection was not to be used, and officers were to be promoted—as no doubt they would be in the great majority of cases—regimentally, evil results were certain, for an exchange on the part of one officer would secure promotion to another; and how could that other officer be prevented from contributing to the exchange? If the junior major in a regiment knew that the lieutenant-colonel was soon about to leave the regiment, would he not be tempted to help the senior major to exchange, in order that he himself might become senior major, and have the certainty of succeeding to the command of the regiment? Such a process might, as had been pointed out, be attended with greater difficulty in the lower ranks; it would, no doubt, be rather a tedious process for a junior captain to induce nine or ten captains to exchange; but this argument did not apply in cases where it was only necessary to assist one major to effect an exchange, and in such a case it would be difficult to prevent an abuse, however great the vigilance of the authorities might be. All these were elements of danger, and the Government did not deny their existence; indeed, the fact that they promised to take great precautions showed they were conscious of those dangers, and they reached a climax in the case of field officers. Staff officers also might plead for exchange as much as regimental field officers. They held their appointments on analogous terms, and there

was the same uniformity of duties between staff officers at different stations as there was between field officers in different regiments. Let the operation of the Bill be limited, as proposed in the Amendment, and these difficulties would be avoided. Again, he would like to know whether the exchanging field officer was to serve in his new regiment for the unexpired period of his own original appointment, or for that of the officer whom he replaced? If the latter, an officer might, by always exchanging with an officer who had still the greater part of his five years to serve, prolong his term almost indefinitely; if the former, there would be a stoppage of promotion in the regiment he entered. It was thus clear that exchanges between field officers would involve personal and regimental complications, to avoid which he hoped the Committee would support this Amendment.

MR. A. H. BROWN, who spoke amid continued interruptions and cries of "Divide! Divide!" was understood to say he should vote for the Amendment, because he wished to put an end to money payments in the Army.

CAPTAIN NOLAN said, he must remind the hon. Member for Bath (Mr. Hayter) that a considerable portion of the officers whom his Amendment excluded—namely, the majors and colonels of Engineers—were the very men who stood most in need of the privilege of exchanging. He should, therefore, oppose it.

MR. DILLWYN said, it was obvious that hon. Gentlemen were determined not to allow of a fair and full discussion of the clauses of this Bill in Committee, and he should therefore move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Dillwyn.)

MR. GATHORNE HARDY hoped that the Motion would not be pressed. The hour was one at which hon. Members generally showed themselves impatient of debate, and it was not, perhaps, to be wondered at, when hon. Members repeated the same arguments over and over again, that they should meet with some interruption. He could not quite catch what the hon. Member

for Wenlock (Mr. Brown) had said; but his remarks seemed to be a repetition of the speech he had delivered at an earlier hour of the evening. He trusted the hon. Member for Swansea (Mr. Dillwyn) would not persevere with his Motion. It was most desirable that progress should be made; and, for his own part, he was ready to listen to any arguments that could be urged by the opponents of the measure.

SIR WILLIAM HARCOURT, in that case, suggested that the right hon. Gentleman should not give quite so much encouragement to hon. Members who sat behind him and below the Gangway on his own side of the House. It was a most extraordinary thing that those hon. Gentlemen should be so clamorous for a division when the Bill had only been three hours in Committee. This haste contrasted oddly with the debates night after night on the abolition of Purchase. The right hon. Gentleman had alluded to the critical hour, but that was passed, and what he complained of was, that although hon. Gentlemen opposite would not hear his hon. Friend the Member for Wenlock, who supported the Amendment, they listened attentively to the hon. and gallant Gentleman the Member for Galway (Captain Nolan), who had supported the measure. The Amendment of the hon. Member for Bath (Mr. Hayter) was one which deserved discussion, and although the hon. Member for Guildford (Mr. Onslow) had said, speaking of the Conservative Party—"We as a Party are determined to pass this Bill," he (Sir William Harcourt) ventured to think that "we as a Party" would not be able to pass any measure in a high-handed way without listening to arguments when those arguments might happen to be opposed to their particular views. There was no other course open to them than that which had been taken by the hon. Member for Swansea.

SIR CHARLES RUSSELL repudiated that view of the case. He admitted that some impatience had been displayed on the Ministerial side of the House, but it was perfectly pardonable. The arguments against the Bill had been repeated over and over again by the same speakers, in nearly the same words. If hon. Gentlemen opposite were convinced that the Bill would restore Purchase, nothing that could be

Mr. Campbell-Bannerman

said from the Ministerial side would convince them of their error; but the Bill would do nothing of the sort.

MR. MUNDELLA said, the hon. and gallant Member for Westminster (Sir Charles Russell) was not in the House during the last Parliament, so that he did not see what took place during the Abolition of Purchase Bill, nor did he witness the tactics then displayed. What the Opposition complained of was, that although hon. Members would not hear the hon. Member for Wenlock, they were as quiet as possible when the hon. and gallant Gentleman who followed him spoke. He had just as good authority for saying that the Bill was intended to restore Purchase as the Government had for saying it would not.

MR. GATHORNE HARDY rose to Order. The hon. Member had stated the Bill was intended to restore Purchase, whereas he (Mr. Gathorne Hardy) had distinctly stated it would do nothing of the kind. By making such a statement he made an imputation on the character of those Members of the Government who were around him.

MR. MUNDELLA said, he had no wish to impute such an intention to the Government. What he meant to say was, that as good a soldier as any that sat in that House had expressed an opinion that the measure would restore all the evils of Purchase—["Name, name!"]—he alluded to the late General Storks, who was not a Member of the House when he made the remark; but who deplored that he was not so when this Bill was introduced last year, so that he might have opposed it. Besides that, he had the authority of a distinguished officer for saying that the measure, if carried, would place the poor man in India and the rich man in Pall Mall. He should support the Motion for reporting Progress. He had every confidence in the sincerity of the right hon. Gentleman, but unless the arguments on that side of the House were heard fairly, there was no other course open than to report Progress until the House was in a calmer mood.

MR. ONSLOW said, there was on his side of the House every disposition to listen to what might be urged in opposition to the Bill, but that they had waited in vain to hear any new arguments.

MR. DILLWYN said, he had no desire to prevent the measure from being pro-

ceeded with, if temperately and reasonably discussed, and if it was the wish of the Committee he would withdraw his Motion. He hoped the Secretary for War would endeavour to preserve greater decorum among his subordinates during the remainder of the evening.

MR. GATHORNE HARDY pointed out that, although there might have been some interruptions, yet several speeches from the benches opposite had been very patiently listened to. There was no disposition on his side of the House to prevent the fullest expression of opinion on the Bill; but they were naturally impatient when Member after Member on the other side got up and reiterated the same statement which had been so repeatedly and pointedly repudiated—namely, that the Bill was intended to re-introduce Purchase.

Motion, by leave, *withdrawn*.

In reply to MR. T. CAVE,

MR. GATHORNE HARDY said, that in the case where an officer with two years' service desired to exchange with another with five years' service, the military positions of the two would be so entirely different that no exchange could, in all probability, be allowed.

SIR HENRY HAVELOCK pointed out that if that statement had been made before, much of the objection entertained to the Bill would have been removed.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 95; Noes 156: Majority 61.

SIR H. DRUMMOND WOLFF, who had an Amendment on the Paper, to insert in page 1, line 13, after "corps," "or between officers belonging to the same regiment or corps," said he would withdraw it.

Amendment, by leave, *withdrawn*.

COLONEL LOYD-LINDSAY, who had given Notice that he would move the insertion in lines 13 & 14, after "expedient," of the words, "Provided that in no case the amount paid for any one such exchange shall exceed the sum of five hundred pounds," also intimated that he would not proceed with his Amendment.

MR. MUNTZ regretted the course taken by the hon. and gallant Member, whose Amendment, he thought, should be discussed by the Committee. He urged that there ought to be a definite sum fixed as the amount to be paid for an exchange. Believing himself to be within the Rules of the House, he would himself move that the Proviso of which the hon. and gallant Member had given Notice be added to the clause. Having had to pay £7,000,000 for the Abolition of Purchase, they should be cautious lest they did anything to revive that system. When the Secretary for War said he had no intention to restore Purchase, he believed him; he imputed to him no *arrière pensées*, because they all knew the integrity of his character, and the straightforwardness of his political principles; but they had no security as to the principles and views of his successors. In such matters they must therefore trust to legislation, and not to the personal character of any Minister. If this Amendment were adopted, he believed it would have the effect of allaying the ill-feeling which prevailed out-of-doors on the subject, and which he felt convinced was much stronger than the Secretary of State for War imagined.

Amendment proposed,

In line 14, after the word "expedient," to insert the words "Provided that in no case the amount paid for any one such exchange shall exceed the sum of five hundred pounds."—*(Mr. Muntz.)*

Question proposed, "That those words be there inserted."

MR. GATHORNE HARDY objected to saddling the Department with any responsibility respecting monetary transactions arising out of exchanges, and it was on that ground that he had brought forward this measure. He could not assent, therefore, to the proposed Amendment. If his hon. Friend referred to the statute of George III., he would find that all money payments were illegal after the passing of that Act, except such as were sanctioned by Royal regulations. But that Act was only used for the purposes of Purchase, and never operated in respect to exchanges at all.

MR. GOSCHEN regretted that the hon. and gallant Member for Berkshire had not moved the Amendment himself,

instead of leaving it to be done by deputy. The hon. and gallant Member had recently written a letter to *The Times*, in which he had declared that the worst policy would be one under which the pecuniary means of the officers should be eked out by a large bonus system; that the real fault of the existing system arose from the inadequate pay of the British officer; and that under the Bill it would be more difficult for a poor officer in India to effect a homeward exchange than it was at present. He wished to know whether the right hon. Gentleman could answer that argument. The Bill would allow exchanges to be put up to auction, a course which he and those who sat near him objected to most strongly, while they thought that free exchanges were of great benefit and should be encouraged. The hon. and gallant Officer further stated in his letter, as he would no doubt have stated in his speech had he brought forward his Amendment, that the abuse of the Bill would be that certain privileges of the Guards, which represented a large money value, would be sold? Why had not the House received an assurance from the right hon. Gentleman the Secretary for War that those privileges would not be sold? Was it, he asked, desirable that those privileges should be brought to market and sold to the highest bidder? He hoped before the Bill passed through Committee to hear some answer given to those questions.

COLONEL LOYD-LINDSAY said, it could not be doubted that the foundation of the Bill was the inadequate pay of the officers, and that, too, was the reason the measure was received with such favour. He felt, however, that was too large a question to introduce into a discussion of this character. He thought a certain amount of bonus was fair, and considered that hon. Gentlemen opposite were very much responsible for this demand, because when Purchase was done away with they took upon themselves the responsibility of saying that the pay of the British officer must be increased. It, therefore, scarcely laid with them now to oppose—as he might term it—this measure of alleviation. He still thought that there could be no great objection to fixing a limit as to the amount within which these exchanges should be allowed, and he failed to see

how it could possibly happen that the country would incur any pecuniary responsibility thereby. It was impossible to separate official from private knowledge; and, however much the House might wish to exclude the knowledge of what officers were paying, they could not help knowing it. The reason he did not move the Amendment of which he had given Notice was that the subject had been fully and fairly brought before the Secretary for War, who, he was persuaded, was only anxious loyally to give effect to the Bill of his Predecessor. In that effort he was opposed in a Party spirit by hon. Gentlemen opposite, notwithstanding the fact that the Bill was founded upon the recommendations of a Commission appointed to consider the subject by Lord Cardwell himself.

GENERAL SIR GEORGE BALFOUR agreed with the hon. and gallant Officer who had just down, that the pay of the officers of the Army was inadequate. The right hon. Gentleman the Secretary for War would, he thought, act wisely if he took steps to remedy that state of things. The remedy was available by the use of funds now uselessly spent in paying for too many officers at present maintained for the Army. 1,000 officers of infantry could be struck off the establishment, not only with advantage to the service, but with the certainty of benefit to those who were kept up by providing for their advancement and retirement. The diminution in the number of *cadres* of regiments, companies, and batteries would also be effected with increased efficiency, and with the certainty of further economies. It was to reforms such as these that the right hon. Gentleman could find ample means for improving the pay, promotion, and retirement of the officers of the Army.

COLONEL NORTH had asked himself during the progress of the debates on that Bill whether there were such persons as the Commander-in-Chief and the Secretary of State for War, or whether the Army was to be placed in the hands of Army Agents. According to the arguments of hon. Gentlemen opposite, an officer had merely to go to an exchange agent, without any regard to the veto of the Secretary of State or the Commander-in-Chief, and arrange an exchange off-hand. He denied that such would be the case, and believed that

the supervision which would be exercised would be amply sufficient to prevent any abuses arising under the operation of the Bill. Further than that, he maintained that no officer could be certain of his promotion, and that no man in his senses would pay a large sum upon such a chance. It was refreshing to see hon. Gentlemen opposite standing forward as the friends of the poor officers. Those officers, however, did not appreciate the favour done them by the abolition of Purchase, nor were they grateful to hon. Gentlemen for their efforts to prevent these exchanges. The sooner the House went to a division the better, for both sides had made up their minds upon the question.

SIR WILLIAM HARCOURT said, no doubt the hon. and gallant Gentleman had made up his mind; but if upon all subjects when hon. Gentlemen had made up their minds all discussion was to cease, the name of the House of Parliament had better be abandoned. The hon. and gallant Gentleman took exception to arguments against that Bill, which were based upon the supposition that exchanges would be effected through the instrumentality of Army Agents; and himself held the view that nominal, if not active supervision, by the Commander-in-Chief, and of the Secretary of State for War would, if the Bill passed, prevent any of the abuses which its opponents anticipated from its operation. The evidence given by officers examined before the Army Purchase Commission entirely negated the view of the hon. and gallant Member, and showed that the officers regarded the right to exchange through an Army Agent as a vested right on which they could raise money just as easily and as certainly as they could by drawing a cheque against the balance which might stand to their credit at their bankers. For instance, Captain T. Goune, of the 17th Lancers, said that under the old system he should have raised £2,500 by exchanging as a major to India. In what way? He said he should have gone—not to the Commander-in-Chief or the Secretary for War, but to an agent—say Messrs. Cox and Co.—and said—“Find me an exchange as a major to India.” He could have bought his majority by borrowing money. If he had £1,500 and wanted £2,500 he could have borrowed the money upon the cer-

tainty of having it repaid by exchange. From that it appeared that the traffic was, and would continue to be, carried on through the Army Agents, and neither Commander-in-Chief nor Secretary of State knew anything about the matter. The hon. and gallant Member for Berkshire (Colonel Loyd-Lindsay) had expressed his opinion that the one thing necessary was to increase the pay of officers in the Army; but he omitted to say that the abolition of Purchase had already done that to the extent of doubling the pay. ["No, no!"] Hon. Members might object to the statement; but if they considered for a moment, they would see that if an officer receiving from £400 to £500 a-year as pay, kept in his own possession the £6,000 or £8,000 which, under the old system, he would have paid for his commission, the interest of that principal sum would amount to doubling his pay. A peculiar feature in the debate had been the fact that the hon. and gallant Member for Berkshire, whose physical courage was undoubted, had run away from his own Amendment. The reason given for that course by the hon. and gallant Member was, that he had entire confidence in the Secretary of State for War; but surely he had the same confidence when he put the Amendment on the Paper. There was something mysterious about the course which the hon. and gallant Gentleman had adopted with reference to his Amendment. Bills had mysteriously disappeared—not in that House of Parliament—under private influences which could not be fathomed, and that evening an Amendment had disappeared under influences which were not clearly explained. That Amendment had been picked out of the mire by the hon. Member for Birmingham (Mr. Muntz). Although the hon. and gallant Gentleman the Member for Berkshire had told the House that there would be enormous danger in exchanges unless they were limited to £500, yet he afterwards declined to move that they should be limited because he said he had confidence in the Secretary of State that he would take care that in the system of exchange there should be no abuse. But the day might come when there would be a Secretary of State who would make obnoxious regulations, like the last Secretary for War. How would he feel then? As the hon. and gallant

Sir William Harcourt

Member for Berkshire had withdrawn his Amendment in consequence of some assurance from the Secretary for War, he maintained that the Committee ought at least to know what that assurance was. The hon. and gallant Member for Westminster (Sir Charles Russell) had stated the other night that those officers of the Guards who had given evidence before the Commission only spoke for themselves and not for the regiments they represented. If so, the Commissioners had made their Report on a wrong assumption, and a new Commission ought to be appointed. The opinion of those officers of the Guards was, that a man in the Guards had a right to sell his privilege, and that it was worth from £2,000 to £3,000. What, therefore, he wanted to ask the Secretary of State for War was whether he meant to allow that or not? That was a question which had not been answered, and it was one to which a reply ought to be given.

COLONEL NORTH said, the evidence which the hon. and learned Gentleman the Member for the City of Oxford had read as to officers in the Guards selling their privileges was the language of a jobber, who was well worthy of the support of the hon. and learned Gentleman.

SIR WILLIAM HARCOURT: If the hon. and gallant Member wishes to designate one of the officers of the Army as a jobber I will give him his name.

COLONEL NORTH: I believe if he had not been a jobber he would not have been supported by the hon. and learned Gentleman opposite.

THE CHAIRMAN: The hon. and gallant Gentleman is out of Order in making an observation of that description.

COLONEL NORTH said, he would at once withdraw the observation. He was answering the statement of the hon. and learned Gentleman. The hon. and learned Gentleman opposite had argued as if an officer had only to go to an Army Agent without obtaining the consent of the Secretary of State for War and the Commander-in-Chief.

COLONEL GILPIN said, the Commission which was appointed by the late Government to cure the mischief which they themselves had caused, recommended the very course proposed by this Bill.

MR. ASSHETON observed, that the great distinction between the system now proposed and the system of Purchase was, that in the latter case money had to be paid to an officer by the State; but in the former, money would be paid out of the pocket of one officer into the pocket of another officer.

MR. GOSCHEN said, that the Secretary for War appeared to have some of that cotton wool in his ears, of which he would require a large quantity when this system of exchanges was adopted. The right hon. Gentleman had been repeatedly asked with regard to the privileges of the Guards, and the Committee were entitled to know his views on the subject. The question was whether the officers in the Guards were allowed to sell their privileges, but no answer had been given. With the greatest courtesy he requested the right hon. Gentleman to give an answer.

MR. GATHORNE HARDY: I have stated several times that the officers in the Guards are not entitled to sell their privileges. The right hon. Gentleman knows perfectly well that they are not entitled to do so. He knows also perfectly well, that he is not entitled to put to me the questions which he has thought proper to put. I have laid down the principles on which I propose to act—namely, those which were acted on in the former system of exchange. I am determined that those principles shall be observed. I decline to give an answer with regard to particular cases.

MR. GOSCHEN said, he did not ask the right hon. Gentleman whether they were entitled to exchange, but what his views were with regard to the policy of the Guards selling their privileges, for so they termed exchanges. ["No, no!"] If hon. Gentlemen opposite looked at the evidence they would find that officers in the Guards said, when speaking of exchanges, "When we exchange from one regiment to another we are practically selling the prestige of our regiments." Now, that seemed to him to be a question of very great importance and of policy, and any Member of the House was entitled to put a question as to the views of the Government respecting it. What those officers asked for was freedom of exchange, coupled with the custom of selling the prestige of their regiments, as compared with the less privileged regiments. Colonel Burnaby, in his evidence

before the Commissioners, referred to the custom of officers selling the intrinsic value of the prestige of commissions in the more privileged regiments, to recoup themselves for the difference in exchanging into the Line. The recommendations of the Commissioners were to the effect that assistance should be given to officers of slender means; but if the right hon. Gentleman made the stringent regulations he had lately spoken of he would fail to satisfy the officers, because they would not be able to sell the prestige of their regiments and to recoup themselves.

SIR CHARLES RUSSELL said, that Colonel Burnaby represented solely his own views, and not those of the Guards. There were, however, five other officers of the Guards who held views different from his, but somewhat in accordance with them. Well, he was glad to say only that small number of officers in the Guards did entertain such views. It was clearly shown that in making exchanges the Guards had never bartered their privileges. Officers had come into the Guards, perhaps as Queen's Pages, who had been unable to afford the expenses of a life in the Guards, or who found a wider field open to them in India, or some more active service, and who exchanged for these reasons alone. No doubt, under the old system of Purchase there were a very few cases in which officers accepted a "bonus," to use a commercial term more familiar to the right hon. Gentleman the Member for the City of London than to officers in the Guards; but he maintained that such exchanges could no longer be carried out, as the officers had now no opportunity of "recouping" themselves, to use another City term.

MR. GOSCHEN, interposing, said, the terms in question were not City terms, but were used by the officers who gave evidence before the Commission.

SIR CHARLES RUSSELL said, the terms were unfamiliar to him until he heard them fall from the lips of the right hon. Gentleman. It would be impossible now to revive the large prices of former times; but the surest way of restoring the old system would be to fix a regulation price, which would become practically the price to be paid.

MR. JAMES said, that as no answer had been given to the question put by the right hon. Gentleman the Member

for the City of London, he would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. James.*)

MR. DISRAELI said, he trusted the Committee would not take such a course, for it would be unprecedented. Any one might always find an excuse for making such a Motion by imagining that a question had been asked and had not been answered, and there would really be an end to all regularity and decorum of discussion if the Committee authorized such a Motion as that to be made for such a reason. He did not know that any one was justified in saying that a fair Parliamentary question had been asked which had not been answered. Certainly, the right hon. Gentleman opposite had made a charge, and very fairly, but he had only done so in a rhetorical manner. The right hon. Gentleman had not pretended for a moment that the inquiry he had made ought, in a Parliamentary sense, to be answered. He said—"This is a question of policy. I am not asking you a question as to the interpretation of the Bill, but as to your opinion on a matter of policy." The real answer was, that the right hon. Gentleman had no right to inquire what was the policy of the Government in regard to a matter which they had not introduced into the House at all. It was an imaginary point which the right hon. Gentleman had himself created for the sake of discussion. The whole argument of the right hon. Gentleman was as follows:—"I give credit to the Secretary for War for his intentions. I think it likely that his intentions will be realized by the measure he has brought forward, and that all his clients, the officers, will be disappointed." Well, the answer of the Government to the right hon. Gentleman was—"Well, if you think so, you had better let the Bill pass." The Government, on the contrary, said—and he said it himself in a tone of conciliation—"You are very disappointed that we are not restoring and reviving the system of Purchase." The Government quite agreed with hon. Gentlemen opposite that no prestige of any British officer would be sold by auction under the Bill. They entirely agreed with all the inferences which

Mr. James

hon. Gentlemen opposite had drawn, and believed that the Bill was a moderate but a useful one, which would disappoint officers like those whose evidence had been quoted, while it would satisfy such officers as were represented by his hon. and gallant Friend who sat behind him. Having discussed the measure very freely, very fully, and also with credit to both sides, he hoped that the Committee would not for a moment tolerate the proposition made by a Gentleman who bore an honoured name—for he (Mr. Disraeli) had sat for years in that House with his father—but who certainly had not had, with respect to Parliamentary proceedings, so much experience as his respected father. He asked the hon. Gentleman to withdraw his Motion in an amicable spirit, and thus enable them, quite forgetting that it was made, to proceed to the business before them.

THE MARQUESS OF HARTINGTON said, the unusual course taken by the Government on the question made it not unnatural that the hon. Gentleman (Mr. James) should have made the Motion. The question put by his right hon. Friend (Mr. Goschen) had not been accurately described as "a rhetorical question." It was an eminently practical question. It was in evidence in the Report of the Royal Commission, which was the shield behind which the right hon. Gentleman acted, that a certain number of officers in the Guards considered that, under the system of free exchange about to be restored, they had a right to sell the prestige of their commissions. It must be known perfectly well that the prestige of the regiments of the Guards was a saleable commodity; that many officers would be willing to pay a large sum of money for such an exchange. What they wanted to know, therefore, was whether the right hon. Gentleman intended to permit exchanges upon such a footing. Of course, these officers had no "right" to demand such permission; but everybody knew that these exchanges were looked upon as a right under the old system. In the view of the Government, then, were sales of the prestige of certain regiments to be permitted in future? If the Secretary for War did not choose to answer the question, the Committee, and he hoped the country, would draw their own conclusions from the silence of the right

hon. Gentleman. He recommended, however, the withdrawal of the Motion to report Progress.

Motion, by leave, *withdrawn*.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 146; Noes 222: Majority 76.

MR. WHITWELL moved, as an Amendment, in lines 13 and 14, to omit from the word "expedient" to the end of the clause. The effect of the Amendment, he said, would be to strike out the words repealing the Brokerage Acts so far as they affected the payment of money for exchanges. He held that it was all the more necessary to maintain the Brokerage Acts, since the Committee had decided in the last division, that no limit should be placed on the amount to be paid for exchanges. The Act of Edward VI. was to prevent corruption, and subsequently the Act 49 Geo. III. was extended to commissions in the Army, subject to the Queen's Regulations; and the Bill would be understood by the country as intended to abolish those restrictions against corruption so far as regarded the Army, which were maintained against all other services.

MR. GATHORNE HARDY said, the hon. Member had by that Amendment, in effect, proposed to leave out the whole substance of the Bill, because it would not have been brought in at all were it not for the purpose of repealing the Army Brokerage Act as far as regarded exchanges. If that Act was to remain in force, he would have to lay down regulations as to the money to be paid on exchange, and to that he entirely objected. He might take that opportunity of saying that he had answered over and over again the question which the noble Lord had put to him, and his answer was that all exchanges, whether in the Guards or otherwise, if there were no military considerations against them, would be made without the amount to be paid being settled by the War Office.

THE MARQUESS OF HARTINGTON said, he was happy they had got an answer at last. They now distinctly understood that if there was no military objection, officers in the Guards or otherwise would be able to sell their prestige to the officers of other regiments. He

did not wish to discuss that point any further, he would merely say that he did not agree with the right hon. Gentleman. As for the Amendment of the hon. Member for Kendal (Mr. Whitwell), it amounted to a proposal to vote again on the principle of the Bill. He had voted twice against that principle, and he did not imagine any different result would be arrived at if the hon. Gentleman were to press his Amendment. If, then, the hon. Member for Kendal would accept his advice, he would not divide the Committee.

MR. WHITWELL said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR HENRY HAVELOCK, in moving, as an Amendment, in page 1, line 16, after "in force," to insert—

"Provided that no exchange shall be sanctioned in any case in which the officer paying money for that exchange would be placed in a better position as to his prospective promotion than he occupied before that exchange,"

said, he had to thank the hon. and gallant Member for Oxfordshire (Colonel North) for the frank and courteous explanation he had given of his statement the other evening with respect to the exchanges effected by his father, and in which money had been no object, but only regard for the rules of the service. He hoped the right hon. Gentleman would adopt the Amendment, which was, both in its nature and its object, entirely in keeping with what the right hon. Gentleman said when he introduced the Bill. The right hon. Gentleman told the House that it was a Bill to facilitate exchanges; and the Amendment, if it had not that effect, would certainly not hamper that facility. The right hon. Gentleman said that the Bill would not open a door for the re-introduction of Purchase, to abolish which the country had paid £7,000,000, and the Amendment had the same object in view. It had always been the practice in this country not to leave the interpretation of laws to those who administered them; but to introduce into every Act a distinct statement of the principle and purpose for which it was intended, and in order to follow that rule he proposed the Amendment. He did not doubt the assertion of the right hon. Gentleman, that he had no inten-

tion of retracing the step that had been taken as to Purchase; but Secretaries of State were not eternal, and his successor might not take the same view of the Bill as the right hon. Gentleman. Its meaning and intent, therefore, ought to appear clearly in the Bill itself. There had been a great change within the last few days in public opinion with regard to the Bill, because it so closely resembled Purchase in the Army that it was undistinguishable except by professional men. The apprehension which he entertained was not in any respect a theoretical one, but one founded upon actual experience. He had known within the last few years the case of a major of distinguished service whose name had been frequently mentioned in General Orders and in despatches, so that he had every right to look forward to the command of a battalion, but who was disappointed by reason of an exchange of the kind which it was the object of his Amendment to render impossible. That officer was so disgusted at what had taken place that he at once retired from active service and went upon half-pay. He would give the Government the names if they desired to investigate the case, the details of which, he believed, never came to the knowledge of the Commander-in-Chief. His Amendment put the Bill upon its trial before the tribunal of public opinion, and although the Government, as they had been told by the hon. Member for Guildford (Mr. Onslow), intended to carry the Bill as it stood, a victory like that in the face of the common sense of the country, resting not upon argument, but upon numerical force, was likely to prove the first nail in the coffin of the Conservative majority. The Liberal Party would, however, have it to say that they did their duty in protesting against such hasty and ill-considered legislation. He would conclude by moving the Amendment.

MR. F. STANLEY wished to say, in no spirit of animosity, that it was impossible to assent to the Amendment, because it contained provisions which, even if adopted, it would be almost impossible practically to carry out. In order to give effect to it, it would be necessary to know what was the exact position as to prospective promotion of any officer in the Army, and to ascertain that knowledge, if it were possible, would involve an amount of actuarial labour which had

not been undertaken to arrive at more definite results than had as yet been reached. It would be really very difficult to say whether a man would be placed in a better position than he would have occupied if he had not exchanged. In some military careers promotion had been for a long time very slow and then suddenly rapid; and all depended upon unforeseen contingencies which could not enter into actuarial calculations.

Amendment negatived.

MR. CHILDERS, in rising to move, as an Amendment, at end of clause, to add—

“Provided always, That nothing in this Act contained shall prevent the provisions of the Army Brokerage Acts extending to the payment of any sum of money or valuable consideration by any officer or by any person on his behalf for or on account of an exchange between two other officers, one of whom may be senior to him, and in the same regiment: Provided also, That any person who shall negotiate, act as agent for, or otherwise connive at such payment as last aforesaid shall be deemed and judged guilty of a misdemeanor.”

said, that he had added some words to make his proposal more precise. The case was this. When an exchange took place between two captains or between two subalterns each went to the bottom of the list of his new regiment, so that every officer who was the junior of the officer with whom he exchanged got a step towards promotion. His object was to prevent the making up of a purse, or the subscription of a bonus, by junior officers to induce a senior officer to retire, and to prevent the re-introduction in that way of a part of the former system of Purchase. Some years ago, under Purchase the bonus system did not exist, but it crept in gradually, and ultimately assumed proportions the magnitude of which was unknown until Purchase was abolished and questions of compensation arose. The Duke of Cambridge, when examined about it before the Army Organization Committee said, he should be glad if anyone could suggest how it could be stopped, so pernicious did he consider it. But though the practice of paying for non-Purchase steps by a bonus from the officers who would be promoted to a vacancy occasioned by a full-pay retirement was admitted, it had been stated that there was no evidence of the existence in England of these contributions towards a purse by the

Sir Henry Havelock

junior officers who did not actually get promotion. There was hardly a military man present who would confirm that assertion. One of the colonels examined before the Commission in 1874 admitted that he had paid £100, not for his promotion, but to get rid of some one above him who prevented his promotion. What was the evidence given by Colonel Devitt, of the 71st? That he had given from £300 to £400 to induce officers to retire, as he was a junior captain and wished in that way to advance towards promotion. Another case mentioned by a witness was that he knew an instance where, by way of bonus, the second captain paid £400, the third £150, the fourth £80, and the fifth captain £60, and so on, in order to induce a major to retire. There were eight or nine captains in the regiment and all interested in inducing the senior captain to retire, in order that they might get a step in advance. In this case they paid altogether £1,750 for single steps, while the lieutenants paid altogether £1,090 in the same way. Without some distinct words prohibiting this, it would not exist in full force, but would be actually encouraged by the present Bill, as the War Office were to take no cognizance of money transactions. He proposed to introduce words which would prevent anything of the kind happening in future. The right hon. Gentleman himself proposed to make the officers exchanging declare that no part of the money had been received in the shape of contributions from other officers, and that showed that he thought it very probable some infraction of the Act would occur which ought to be guarded against. Now, was it best to rest the matter on a declaration or to introduce a provision making it illegal? That was the whole case. If a declaration were founded upon some distinct statutory provision there would then be some hope that it would be observed. The right hon. Gentleman concluded by moving the Amendment.

Amendment proposed,

To add, at the end of the Clause, the words "Provided always, That nothing in this Act contained shall prevent the provisions of the Army Brokerage Acts extending to the payment of any sum of money or valuable consideration by any officer or person on his behalf for or on account of an exchange between two other officers, one of whom may be senior to him, and in

the same regiment: Provided also, That any person who shall negotiate, act as agent for, or otherwise connive at such payment as last aforesaid shall be deemed and judged guilty of a misdemeanor."—(Mr. Childers.)

MR. GATHORNE HARDY said, he could not accept the Amendment. He was not at all disposed to dispute the facts stated by the right hon. Gentleman—indeed, the evidence given before the Royal Commission in 1874 left no doubt on the subject. But bonuses were different things altogether from the objects proposed by this Bill, and the Amendment of the right hon. Gentleman did not at all meet the case. Besides, he thought it was entirely unnecessary that an enactment should be made on the subject, or any such words introduced into the Bill. There was no such danger as the right hon. Gentleman supposed, and he was still of opinion that his way of dealing with the difficulty was the best.

MR. GOSCHEN said, the Government had given no reason why the words should not be inserted. If they did no harm, why not accept them, especially as many people believed they would guard against a great evil being introduced into the non-Purchase system. They, on that side, wished to show the public and the Army that the Purchase system was completely abolished, and not to be indirectly revived under a system of exchanges.

Question put, "That those words be there added."

The Committee divided:—Ayes 160; Noes 242: Majority 82.

MR. MUNDELLA said, he thought it was impossible that the next Amendment—the most important on the Paper—could be satisfactorily discussed at a late hour, and would therefore move that the Chairman be ordered to report Progress.

MR. DISRAELI said, it would be greatly to the advantage of both sides that the discussion of the Bill in Committee should close that evening. There was only one other Amendment to the clause to be disposed of, and although it was, no doubt, an important one, yet he was sure there was quite sufficient time to enable the hon. Gentleman opposite (Mr. Trevelyan) to propose his Amendment and to obtain for it attentive consideration. He believed it was

not yet 12 o'clock, and he would, under the circumstances, appeal to the noble Lord the Leader of the Opposition, who was always ready to give his assistance in the endeavour to secure that the Business of the country should be carried on in a satisfactory manner, to say whether it was not reasonable, seeing that the labours of the Committee might be closed in an hour or so, that he should ask him to use his influence to put a stop to such Motions as that of the hon. Member for Sheffield—Motions which were conceived in the heat of the Lobby, and which could scarcely bear the cooler atmosphere of the House. He felt it to be his duty to oppose the Motion, but in no hostile spirit, and he would rather appeal to the hon. Member to withdraw it.

THE MARQUESS OF HARTINGTON said, he did not quite agree with the right hon. Gentleman opposite. Those who sat upon his side of the House had throughout the evening, he hoped, shown no undue disposition to impede the progress of the Bill. He had every wish, so far as he was concerned, to facilitate progress, and had on two occasions already that evening been successful in inducing hon. Members not to press proposals; but the hon. Member for Sheffield (Mr. Mundella) had rather under-stated than over-stated the case for reporting Progress with reference to the next Amendment. He entirely agreed with his hon. Friend that it was the most important Amendment on the Paper; but there was another Amendment to be moved by the hon. Member for Bath (Mr. Hayter), which was also of great importance, and it was impossible, he thought, that the discussion on those two Amendments could be brought to a satisfactory conclusion that evening. He would suggest to the right hon. Gentleman, whether he would not consult the convenience of the House by taking two or three hours to consider those Amendments on another day. ["No, no!"] The Committee had already been at work on the Bill for seven hours; it was universally acknowledged that the most important Amendment on the Paper had been arrived at, and he thought the right hon. Gentleman would consult the convenience of the Committee if he allowed it to be adjourned, instead of having time wasted in fruitless divisions.

Mr. Disraeli

MR. DISRAELI: I shall not further object to the Motion to report Progress, but then I must propose that the Committee should meet at 2 o'clock to-morrow.

House resumed.

Committee report Progress; to sit again To-morrow, at Two of the clock.

EAST INDIA HOME GOVERNMENT (PENSIONS) BILL.—[BILL 74.]

(*Lord George Hamilton, Mr. William Henry Smith.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Lord George Hamilton.*)

MR. FAWCETT, in moving, as an Amendment—

"That it is inexpedient for Parliament to impose any new charges on the revenues of India until the Select Committee which has been appointed to investigate the Indian home charges has completed its inquiry,"

said, he had to complain of the hurried manner in which that measure, which imposed a charge on the revenues of India, was pressed forward. It was to be regretted that the Committee which last Session began an inquiry with regard to the Home Charges connected with the Government of India had not been re-appointed, for it had not gone further than the threshold of the investigation, the only part of the subject it had taken up being the military charges. The present Bill proposed pensions to certain officers, but before any measure of the kind was considered, it was most desirable that the whole question of Indian pensions should be investigated. If such an inquiry was held, and he had any share in it, he pledged himself that disclosures would be made which would astonish the House of Commons. Some remarkable differences existed between the system of pensions prevailing at the India Office and that which existed in the other Government Offices. A gentleman employed in the India Office might enjoy two distinct pensions, and in addition occupy a highly-salaried office. If he had occupied two or more offices under the Indian Government he might get as many pensions. The telegrams which had been received from India that day foreshadowed a

financial catastrophe in that country, and therefore it behoved the British Parliament to enforce the strictest economy in every Department of the Government of that country. He asked the House to bear in mind that if there was to be profuse liberality and recklessness in the giving of pensions, it should be with the revenues of England, and not with those of India. What was the state of the Revenue of India? The Debt of India was increasing alarmingly, and the Revenue was rapidly diminishing; yet in the face of such a state of things, the burdens of India were increased. Contrast such a course of proceeding with that which was pursued with regard to England with its diminishing debt, rapidly-increasing revenue, and slowly-increasing expenditure. It was said if the Bill was not allowed to pass, the Government would find it difficult to pension the Members of the Council of India; but before those pensions were granted, the House should have the opportunity to consider what the character of the Indian Council was. By all accounts, it was a most extravagant, costly body. There was not a single Member of the Indian Council entitled to a pension. They took the office, to which immense salaries were attached, and they had no ground to come to this House to ask for pensions. In moving the Amendment of which he had given Notice, he was only following the line pointed out by the present Secretary of State for India, when, in his evidence, Lord Salisbury said that the best and only security they could have for economy as regarded the finances of India was the constant watchfulness of the House of Commons. He cordially agreed in that maxim, and for one, he would watch their affairs, and try, by raising his voice, to protect their finances just as much as if the money were to be taken out of the pockets of his own constituents. The hon. Member concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient for Parliament to impose any new charges on the revenues of India until the Select Committee which has been appointed to investigate the Indian home charges has completed its inquiry,"—(*Mr. Fawcett*),—instead thereof.

LORD GEORGE HAMILTON said, that if, as was alleged by his hon. Friend the Member for Hackney (*Mr. Fawcett*), extravagant pensions had been paid to *employés* in the India Office in times past—a point on which he (Lord George Hamilton) would not express an opinion—that would not have occurred if the whole of the recipients had been placed under the provisions of the Superannuation Act of 1859, as was proposed to be done with the gentlemen to whom the present Bill applied. Those gentlemen were the auditor, who, through an oversight, was the only member of the Indian establishment not receiving a pension, and certain Members of the Council, a body to whose Members pensions had to be given in order to secure the services of gentlemen best fitted to assist the Secretary of State. If the Secretary of State gave any pension under this Bill the warrant for that pension would have to be laid upon the Table of the House, and the subject could then be amply discussed, if that should be thought necessary. The hon. Gentleman had introduced a great deal of extraneous matter, having nothing whatever to do with the operation of the Bill, which, in his opinion, would not in any way add to the charges upon the Indian Revenue. A telegram had been received from the Indian Government, from which it appeared that the state of the Indian finances was more satisfactory now than when he laid the Indian Financial Statement before the House last year. With respect to the Resolution proposed by the hon. Member, it should be remembered that the Home Charges amounted to a very considerable sum, and that it would be impossible to take any step, however small, with respect to them until the Report of the Committee was presented, if the Resolution was adopted by the House. Under those circumstances, he could not agree to the Resolution.

MR. KINNAIRD regretted that more notice was not taken of the affairs of India, and expressed his surprise that Indian affairs were not discussed until nearly the close of the sitting when not more than 10 to 20 Members were present.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 138; Noes 72: Majority 66.

Main Question proposed, "That the Bill be now read the third time."

MR. SHAW-LEFEVRE inquired, whether Members of the Council of India would be entitled to superannuation?

LORD GEORGE HAMILTON said, that as he read the Bill, those Members of Council would be entitled to pensions who had served 10 years, and those who were already in receipt of pensions or superannuations because of services in India, would not be entitled to pensions under the measure.

MR. W. E. FORSTER asked for the opinion of the Law Officers of the Crown on the point.

MR. SULLIVAN, said, in order to settle the point, he would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Sullivan.)

LORD GEORGE HAMILTON said, he did not object to the Motion, as it would give him time to consult the Law Officers of the Crown; and if they thought it necessary he would introduce words to make his interpretation of the Bill perfectly clear. He hoped if he did so, there would be no further opposition to the third reading of the Bill.

MR. FAWCETT said, he must decline to accept the noble Lord's condition.

Question put, and agreed to.

Debate adjourned till Thursday.

PARLIAMENT—SITTINGS OF THE HOUSE.—RESOLUTION.

On Motion, "That the sitting of the House To-morrow, at Two of the clock, be subject to the Resolution of the House of the 30th day of April, 1869."

MR. W. E. FORSTER hoped that the Friendly Societies Bill would not be taken after the Regimental Exchanges Bill had been discussed, as many hon. Members were not aware that there was to be a morning sitting.

MR. ANDERSON complained that the course of the Government, in fixing a morning sitting so early in the Session, was unprecedented, and he trusted that when they met in the evening, the

Government would take care to have a House to enable him to bring on his Motion about the Currency, or else he would suffer materially by the change the Government had made in the sitting of the House.

THE CHANCELLOR OF THE EXCHEQUER thought there was no harm in putting the Friendly Societies Bill on the Paper, in the hope that if the discussion on the Regimental Exchanges Bill terminated at an early hour, they might proceed so as to enable them to get into Committee.

Motion agreed to.

Resolved, "That the sitting of the House To-morrow, at Two of the clock, be held subject to the Resolution of the House of the 30th day of April 1869."

LANDS CLAUSES CONSOLIDATION ACTS AMENDMENT BILL.

On Motion of Mr. CAWLEY, Bill to amend the Lands Clauses Consolidation Acts, ordered to be brought in by Mr. CAWLEY, Mr. CHARLES TURNER, Mr. HICK, and Mr. TORR.

Bill presented, and read the first time. [Bill 96.]

SHIPOWNERS LIABILITY BILL.

On Motion of Captain PIM, Bill to define the liability of Shipowners, Shipmasters, and others in command of British Merchant Vessels, in respect of loss of life or injury to the person on board ship, ordered to be brought in by Captain PIM and Mr. TWEELS.

Bill presented, and read the first time. [Bill 97.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 16th March, 1875.

MINUTES.] — SELECT COMMITTEE — First Report—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod (No. 42).

PUBLIC BILLS — First Reading—Consolidated Fund (£882,661 8s. 11d.)*

Second Reading—Pacific Islanders Protection * (33); Superannuation Act (1859) Amendment * (37).

Select Committee — Church Patronage * (12), nominated.

Committee—Report—Land Drainage Provisional Order * (30); Registry of Deeds Office (Ireland) * (25).

Third Reading—Increase of the Episcopate * (35).

PACIFIC ISLANDERS PROTECTION
BILL—(No. 33.)

(*The Earl of Carnarvon.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CARNARVON, in moving that the Bill be now read the second time, said, its object was to extend, and in some respects amend, the Bill which his noble Friend opposite (the Earl of Kimberley) introduced three years ago, and which was now an existing Act of Parliament—35 & 36 *Vict.* c. 19. The object of that Act was to repress those atrocities which had been too often committed in the so-called “labour trade” in the Pacific Islands, and to regulate that trade for the benefit of the islanders and colonists engaged in it. There could be no doubt that the Act had produced very beneficial results. His noble Friend might be congratulated on what it had effected. It had led to the condemnation of a certain number of ships in the Colonial Courts, and the mere fact of its being on the Statute Book had had a deterrent effect. Since that Act passed, Fiji had been annexed and English sovereignty established in the Fiji Islands. In consequence of that fact a clause was introduced in the Bill now before their Lordships to amend the definition of “Australian Colonies” in the principal Act, and the term “Australian Colonies” in the Act and in this Bill would mean and include the Colony of Fiji. The principal Amendment was that introduced by the 2nd clause of the Bill. The provisions of the principal Act covered only those ships which carried native labour from one point to another for a single passage, and did not authorize the carrying in a British vessel of native labourers for the purpose of carrying on the fishery or other occupation in connection with the vessels. It had, however, been found that ships engaged in the pearl fishery and another description of fishery, and therefore following a legitimate trade, employed Natives as seamen or labourers, and were therefore entitled to protection. Ships not protected in that way were subject to penalties; and the object of Clause 2 was to afford it to those fishing vessels and bring them under the law. It therefore provided for the issue of a licence

authorizing such vessel to carry native labourers for the purpose of carrying on their industry: and it also provided for the due registration of the native labourer so carried. Another evil now existed in regard to these vessels. Inasmuch as they were not under the protection afforded by the Act, and being consequently exposed to seizure and condemnation, they changed their flags and professed to belong to another nationality—by that means escaping the restrictions of the law altogether. This was an evil of a serious kind and had given rise to not unreasonable dissatisfaction. While this Bill would afford protection to vessels sailing under the British flag, engaged in carrying on a lawful trade in these waters it would not affect, to the extent that was desirable, those ships which were engaged in the slave trade; but he did not know that any Bill could be made completely effectual in that respect until there was an understanding among the European Powers to deal with that traffic in a summary manner. Under the Act it was provided that the offending ships only should be seized and condemned. In this Bill power was taken to condemn the cargoes also of such ships. Then with respect to jurisdiction for dealing with these cases. The Bill provided that the High Court of Admiralty and every Vice Admiralty Court should have jurisdiction to try and condemn or to order the release of any vessel detained under the Act, and gave the same powers as were now vested in Supreme Courts of the Australian Colonies as to the examination of witnesses and the collection of evidence. It was also provided by the Bill that the provisions of the Act and this Bill should apply to the Natives of Fiji in like manner as if they were Natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilized Power. Such protection to the Natives of the Fiji Islands might be necessary for some years; but liberty was given to the Fijian Legislature to enact the Fiji Islands out of those provisions. These were the main objects of the present Bill. As time went on further amendments of the law would probably be found necessary. Everyone was aware of the evils of this labour traffic, when uncontrolled; and though it might be said that the removal of the

Natives to where they would find civilization and employment was a blessing and not a curse; yet on the other hand, if unchecked, it was a disgrace and a curse to our civilization. What was required was not the suppression of the trade but its regulation. Such was the opinion of so high an authority as the late Bishop Patteson.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Carnarvon*.)

THE EARL OF KIMBERLEY said, he had heard with satisfaction that the experience of the Act which he had the honour to introduce three years ago had worked well. He had no objection to the Amendments proposed by the Bill of his noble Friend the Secretary for the Colonies; for he could well understand that great embarrassments had arisen under his Act to vessels engaged in the pearl and other fisheries in those seas—at the same time he was sure his noble Friend would feel it his duty to ask the Admiralty to get the Commodore on the station to take care that the fishing vessels confined themselves to their legitimate occupation. He quite agreed with his noble Friend that the best policy was not to attempt to suppress the labour traffic, but to regulate it. Indeed, it could not be suppressed without the concurrence of the various civilized nations and the presence of a large squadron in the waters of the Pacific Islands. But, believing, as he did, that civilized man must ultimately prevail in Polynesia, he thought it was much better to prepare the way for his further intercourse with the Natives.

LORD STANLEY OF ALDERLEY asked, whether it was not desirable that the Sandwich Islands should be included in the Bill, since the Sandwich islanders resembled other Polynesians in appearance and language, and some of them might be found either in Fiji, or on board ships in those seas, and might require protection, but would not obtain it as the Sandwich Islands were outside the limits of the former Kidnapping Act; also, whether all enactments as to labour by the Fijian Legislature would not be reserved cases to be referred to the Secretary of State for his approval?

THE EARL OF CARNARVON said, he did not understand the question of the noble Lord with reference to the Sandwich Islands:—there was no Schedule

to the Bill. The case referred to by the noble Lord would be a reserved one, as the question would be a very serious one in reference to the entire subject.

Motion agreed to; Bill read 2^a accordingly.

INCREASE OF THE EPISCOPATE BILL. (*The Lord Lyttelton*.)

(NOS. 8-35.) THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^a."
—(*The Lord Lyttelton*.)

LORD CAMPBELL said: As this is the last stage, practically, of the Bill, I am compelled to make some observations on it, which I would willingly postpone if there was any further opportunity to do so. And first of all, let me acknowledge the disinterested conduct of the noble Lord, the Mover of the Bill, in not taking the third reading last night, when he could have slipped it through without a chance of opposition or of criticism. I yield to no one in a sense of the virtuous disposition from which the Bill has sprung, or the continued toil which has advanced it through so many stages. And yet I hazard the opinion—which, indeed, alone induces me to trespass on the House—that unless it undergoes a transformation in one essential part, it ought not to find its way into the Statute Book. At the same time, I readily admit that looking to the high nature of the subject-matter, and recollecting that the question can be solved by no formula of party, we ought to act judicially upon it, and concede to the noble Lord all the points he has established by himself or by his Friends, as well as bear in mind the inconveniences—if any—which appear to counter-balance them. I concede to the noble Lord, that as things now stand, the toil of Prelates is excessive; that in some dioceses the necessary rareness of their visits to this or that locality, has added something to the Nonconformist power; that they are so pre-occupied at times as not to be able to give advice where it is needed: that Suffragans are not found an wholly adequate expedient for replacing them. Beyond that it ought perhaps to be admitted that a noble Earl (the Earl of Shaftesbury), who speaks with great authority on everything which relates to the working classes or theology, gave no

The Earl of Carnarvon

conclusive answer to the Bill, when he explained to us, that deeper and more urgent wants exist than any which the Bill professes to respond to. If the noble Mover can establish that his scheme applies to demonstrable evils a remedy which is not mischievous itself, it would be hard upon him to object that there are other, even greater evils, which he leaves unaltered by his project. Having made these remarks to divest of all factious colour my further view as to this Bill, and give myself a *locus standi* for adverting to it, I shall, with the permission of your Lordships, signalize a few of the inconveniences which, in its present form, the measure might occasion. The first and least important is, that the moment you legislate upon the basis that the toil and occupation of the Bishops are more pressing than they ought to be, you at once raise the question of whether or not it is desirable to summon them to Parliament, and so at certain times withdraw them from their dioceses. This question may, of course, be viewed in very different lights, and some would not at all regret its being presented. It is only necessary to remember that whether for good or not, the project of the noble Lord does forcibly attract it to the surface. The second inconvenience of the Bill, although not at all the gravest, is that it proposes to unite two classes of Episcopacy, one of ancient origin, the other of entirely modern growth; one having access to the Legislature, the other carefully excluded from it; while it is far from clear that the two elements would harmonize reciprocally. The next and greatest inconvenience is, that the new Order so created would rest upon the slender and precarious foundation of the voluntary principle. This point, although no doubt adverted to before, has scarcely had, in past debates, the prominence it seems to be entitled to. Under the Sovereign and Archbishops, the Bishops are allowed to be the highest grade in the Establishment. The whole spirit of the Bill, the whole *animus* of the noble Mover is to extol their practical, without at all attenuating what you may regard as their titular importance. And yet, while the noble Lord screws up to the highest pitch, the dignity and efficacy of the Order he desires to augment, he is content to build the added portion on the weak material which upholds the

Nonconformist Bodies of the country. Such a course evidently gives to Mr. Miall and his party a vantage ground they ought not to be allowed, without a protest, to arrive at, as it may have a serious effect in weakening the defence of the Established Church against their efforts to subvert it. In any agitation they conduct they are not so logical, not perhaps even so scrupulous, as to be arrested by the nice distinctions which the noble Lord no doubt is ready to point out to them. Their language, just or not, will naturally be, that if individuals are prepared to support an added class of Prelates they have called into existence, the older class of Prelates, the archdeacons, and deans with the remainder of the clergy, are not in any want of the provision which law secures to them at present. My Lords, it will thus be seen that, although the Bill may lead to good, it purchases it by far too serious a danger. If it embarrasses—as it clearly does—the subsequent defence of the Establishment, it is exposed to all the range of argumentative artillery, of which the voluntary principle, has been so frequently the object. In the other House of Parliament, from the currents of opinion which prevail there, the question may be frequently debated. In this House, it cannot be so, because no party within its walls has espoused the policy to which the Bill would afterwards contribute. No wonder. The supporters of that policy request the world in our century not to advance but to retire; not to place religious creeds on a new footing, but to recall the system which prevailed in the first three centuries of Christianity, with how much anarchy, confusion, bloodshed, it is useless to remember; not to take a forward step on the path of well-conceived reform, but, on the contrary, a backward plunge into the waters of reactionary violence. But I dismiss that topic altogether. The precise objection to the Bill is, that it makes an unnecessary, an insufficiently requited, and, on these two accounts, an unwise concession to the adversaries of the Established Church. I say, on these two accounts, because, if the concession was imposed, or the advantage was commensurate, no man of sense would urge objections to the project. My Lords, if any one took up the Bill, while uninformed as to authorship, and read it, he might suppose

that it proceeded from some mind, it may be, powerful and learned, but little versed in the collisions and the struggles which enable men to realize the advantages they offer to opponents; or else from some mind very different, to which no labyrinth of dissimulation was unknown, no depth of subtlety untrodden, and which circuitously aimed at the divorce of the civil and religious power in the country. The conclusion which I draw is not at least a rash or a one-sided one. It is that the Bill ought to be read a third time, and even passed to-night as a tribute to the character and talents of the noble Lord, as a proof that the House is alive to the importance of the subject, as a link in the chain by which you may some day arrive at a final system for improving and augmenting the episcopacy; but as the whole subject virtually rests with the Prime Minister, that his Advisers—whom I see in front of me to-night—should not allow its specious colour and its laudable design to blind him to its manifest deficiencies. Deficiencies is too weak a term; but I adopted it on purpose, since it is better to understate than overstate positions to your Lordships. The duty of a House of Commons, fixed in its support of the Establishment, would seem to be either to create a fund, or to withhold its sanction from the measure. To that House, fortunately, both alternatives are open, while only one could be presented to your Lordships, and one which neither your convictions nor your sentiments would easily permit you to resort to.

LORD LYTELTON said, he hardly knew whether he need answer the noble Lord's speech. His Bill had nothing to do with the "screwing up" or "screwing down"—as the noble Lord phrased it—of the dignity or position of the Bishops. He intended that the new Bishops under this Bill should be upon precise equality with the present Bishops. The noble Lord's other main point was that the new Bishoprics would have to be established by voluntary contributions—which he declared to be a weak and precarious ground; but did the noble Lord not know that the great majority of the endowments in this country were founded by voluntary benefactions, and that those voluntary benefactions had become permanent endowments? And so under this Bill, when sufficient means had been provided and paid to the

Ecclesiastical Commissioners, they would make a permanent endowment for any new Bishop to be appointed.

Motion agreed to: Bill read 3^d accordingly.

On Question, That the Bill do pass?

LORD COTTESLOE moved an Amendment that—

"Until Parliament shall otherwise provide the operation of this Act shall be limited to the erection of new bishoprics at the places following:

Guildford or Southwark, Diocese of Winchester; Bodmin or Truro, Diocese of Exeter; Southwell or Nottingham, Diocese of Lincoln; Saint Albans, Diocese of Rochester; Liverpool, Diocese of Chester."

The noble Lord said he was not hostile to the principle of the Bill, for he was satisfied, with the noble Lord, that the necessity for additional Bishops in some parts of the country was urgent: but as it stood the Bill was one for an indefinite extension of the Episcopate, and he thought it most unwise that it should be sent down to the other House in such a shape as would very seriously lessen its chance of passing. He therefore proposed to confine its operation to the five dioceses of Winchester, Exeter, Lincoln, Rochester, and Chester. He proposed, in effect, that there should be five new Bishoprics—of Liverpool, Guildford or Southwark, Bodmin or Truro, Saint Albans, and Southwell or Nottingham—if the people wished to have them. In that limited shape he believed the Bill would be more likely to pass through Parliament, for such a provision would supply the present necessities of the Church; and, further, the liberality and generosity of the people would be directed to definite ends. Their Lordships must not disguise from themselves the difficulty which any private Member had in passing any Bill through the other House at any time; and it was stated that for the present Session all the Wednesdays were already taken up as far forward as to the month of July. It might be that the Government would take this Bill in hand; but he thought they would be likely to look at it with more favour if it were in a more limited form. His own opinion was that it went unwisely beyond the necessities of the case, and he believed it was a good principle in legislation that the powers you asked for should not be larger than you required them to be. It had been stated that though

Lord Campbell

a Bishopric was required in Cornwall money could not be found in that county for the endowment of a Bishopric. Well, probably that was so: but if it was, money for the purpose would be found elsewhere, and money would be found also for any such other endowments as might be shown to be necessary. In that view he proposed that the number of new Sees should be limited in the first instance—for if the public were told that the Bill was one for an indefinite extension of the Episcopate, that would be calculated to dry up the fountains of charity. The more advisable mode of procedure would be to deal with the cases, and with those only, in which there was an existing want. Should a similar want arise in other places hereafter it could be dealt with by a specific proposal. Such was the spirit of his Amendment. He named the places in which he believed the new Bishoprics were required; but if their Lordships wished to add to his list by the insertion of other places he had no objection to their doing so. The question was discussed in the Upper House of Convocation in 1865; but their report did not support the noble Lord in the length to which he now proposed to go—they suggested only that three new Sees should be created; and in 1869, when another Bill was before their Lordships, similar to the Bill now under consideration, the most rev. Prelate opposite (the Archbishop of Canterbury) said, that an indefinite increase of the Episcopate was not desirable. The most rev. Prelate further said that he should prefer to limit the increase to the number required. These observations applied just as much at this time as they did in 1869. He knew that his Amendment would be met with the argument that it was one for piecemeal legislation; but his rejoinder to that objection was that some of the best measures now on the Statute Book had been introduced piecemeal and in the shape of permissive legislation.

Amendment moved accordingly.

LORD LYTTLTON said, he could not agree to the Amendment which seemed to him to proceed upon an entire misapprehension of the principle of the Bill. The new Bishops would not be a distinct class in any essential respect, and if they were not all to be placed on precisely the same footing they

would only resemble in that respect the existing Bench. As to the danger of Sees being erected where they were not called for, he had only to say that if Government authorities, such as the Ecclesiastical Commissioners, were not to be entrusted with the carrying out of the Bill, he had, of course, no case at all. His noble Friend (Lord Cottesloe) had referred him to a report of the Upper House of Convocation; but the Bill was entirely in accordance with the expressed opinion of that body in a later report. Then, as regarded the distribution of Sees, the Bill had nothing to do with any public fund—if it were so it would, no doubt, be the duty of Parliament to look round and consider the state of the whole country and decide where new Bishoprics were most wanted; but this Bill dealt with the private funds, and if the people of a particular district wanted a Bishop to themselves, and if the desire, on any right standard, was reasonable, what reason existed for putting off their application until the wants of certain other districts had been supplied? His noble Friend had spoken of the necessity of easing the Bill in its passage to the other House by his proposed limitation; but he (Lord Lyttelton) refused to believe that the House of Commons would be so unreasonable as not to consider the Bill fairly, seeing that it was so simple in its principle, and that it was capable of being amended in Committee. If, indeed, the other House should refuse to accept the principle of this Bill he should despair of passing such a measure at any future time. He had to complain of the treatment which the Bill had received, both from the Government and the Episcopal Bench. From the Prime Minister he had received verbal assurances of the Government support in both Houses, and the Bishops had given him their written assent to the Bill. Yet in that House not a favourable word had been spoken in its behalf on the part of the Government; and he understood that in the other House the Bill would receive the same half-hearted welcome. He would venture to predict that if it did not meet with a warmer support there than it had here there was small chance of its passing. Moreover, the Bill for the establishment of a new See at St. Albans had just been introduced into the House of Commons, al-

though he understood from the Bishop of Rochester last year that it would not be pressed till the Episcopate Bill was out of the way. He had never heard of the Government Bill till last Friday—he believed it had been kept a profound secret until that day. By the passing of such a local and partial measure as that, the present Bill could not fail to be injured. The Bill would in any case probably have met with most formidable difficulties in the House of Commons; but, as matters now stood, it would go down to that House with every possible disadvantage. He would, however, beg their Lordships to let it go down to that House with its full power, so that a fair appeal might be made on the subject with which it dealt to every part of the country.

THE DUKE OF RICHMOND said, that he admired the noble Lord's great talents, and the earnestness in which he had taken up this subject; but the noble Lord must excuse him for saying that he did not admire the language which he had used towards the Government that evening. He had charged the Government with having promised to give the Bill their cordial support. Now he (the Duke of Richmond) did not know what took place in the *tête-à-tête* interview between the noble Lord and the Prime Minister, for he was not present; but he would state that the Government, as a Government, were not prepared to support the Bill, nor were they prepared to oppose it. But he was disposed to think they had done something more than not oppose it—because when the Bill was under consideration it was at the instance of the Government that some Amendments which were supposed to be very dangerous to the measure were withdrawn. Therefore if the Government had not given the Bill their cordial support they had prevented it from being rejected. The Government did not think it right to accept the responsibility of the measure; but, as he had stated, they did not oppose it. He, under these circumstances, ventured to protest against the strong language of the noble Lord in reference to the Bill which was now before the other House; because he contended that the Government were justified in dealing with the question of creating a new See in the manner in which they had done. This Bill of the noble Lord was not on all fours with the Bill of the Government, and yet the

Lord Lyttelton

noble Lord had said that the Government had acted in a manner which was not befitting them on this occasion. Now, notwithstanding all the hard words which the noble Lord (Lord Lyttelton) had used the Government would return good for evil, and advise the noble Lord (Lord Cottesloe) not to press his Amendment. He thought it would be unwise to mention the places set forth in the Amendment, because they had no evidence that those were the places which ought to be first dealt with before other parts of the country; and he saw no reason why if Lincoln, or Nottingham, or Bodmin were unwilling or unable to make up the fund necessary for founding their new Bishopric, the people of other parts of the country who were both able and willing should be precluded from providing themselves with new Bishops. For these reasons he must vote against the Amendment if pressed to a division.

EARL GRANVILLE said, he desired to refer to one observation of the noble Duke. This was a Bill which affected the Established Church. Now, he had heard with much astonishment the announcement of the doctrine that a proper course for the Government to take was to be so indifferent as to the number of the Bishops of the Established Church in this country, of which the Queen was the head, that it was a matter of no consequence to them whether they voted for a measure or against it. He was most surprised also to find that the noble Duke seemed to have been altogether unaware of the intention of the Government to introduce a Bill with reference to the See of St. Albans in the other House—at least, when this Bill was last under discussion no reference was made to it. On a former night, when he had put a Question to his noble Friend on the subject, he appeared to be as ignorant with regard to it as he was himself. He again protested against the doctrine that a Bill under which any number of Bishops might be added to the Episcopate was, so far as the Government was concerned, a perfectly immaterial question.

THE DUKE OF RICHMOND said, his noble Friend (Earl Granville) appeared to infer that he was as ignorant of the other Bill as he was himself.

EARL GRANVILLE said, his noble Friend appeared to be so.

THE DUKE OF RICHMOND said, he thought his noble Friend could hardly have expected him to give a positive statement as to a matter which appeared merely as a vague rumour that appeared to be about the House as to a Bill which was to be introduced into the other House. If, however, it was any satisfaction to him, he could assure him that the Bill which had been introduced by the Secretary of State for the Home Department in the other House had been more than once the subject of discussion in the Cabinet, and that he was perfectly aware of the provision which it contained. He should, he might add, have been very glad to give his noble Friend every information with regard to it had he only received due Notice that he would put a formal Question to him on the subject.

EARL GRANVILLE said, he knew nothing about the Bill brought in by the Secretary for the Home Department when he put his Question, beyond the fact that an announcement had been made in the other House with reference to the subject which their Lordships were the same evening engaged in discussing, and therefore could have given him no Notice of any Question concerning it. It was not strange, however, he thought, that it should have occurred to him that the noble Duke ought to have been informed as to the Bill proposed by the Government. He could not, under the circumstances, offer him any apology for having asked him the Question which he had put to him on the occasion to which he referred.

THE LORD CHANCELLOR could not help thinking that it was rather an inconvenient course to adopt to run from the House of Commons, and to put a Question to a Member of their Lordships' House as to what had occurred there, without any Notice. Every Member of the Cabinet knew perfectly well what was contained in the Bill which his right hon. Friend the Secretary for the Home Department had introduced; but then it was not the custom to give explanations in their Lordships' House with respect to the Bills of which Notice had just been given "elsewhere." As to the Bill under discussion, the Government had not been silent. The Government were not responsible for it—had taken upon themselves no responsibility with regard to it; they had canvassed

certain parts of it, and beyond that they took the course of not opposing it; which it was, he maintained, perfectly competent for them to do. He regretted that before the noble Lord (Lord Lyttelton) had made any attack upon them for not having acted up to their professions, he did not communicate with them, so that they might have informed themselves with respect to the statements on which he relied.

VISCOUNT CARDWELL said, he was present the other evening when this Bill was before the House. He understood the purport of the Question which had been put by his noble Friend near him, to have been whether the Bill under discussion having made certain progress through the House, another measure—of which up to that time their Lordships had not heard a word—bearing materially on the prospect of its passing was about to be introduced by the Government. To that Question no answer was given by the noble Duke, although the information could have been given, since the Bill was introduced in the other House by a Member of the Government. The noble Duke, however, gave them no information whatever. His noble Friend, he might add, had not of his own motion risen to make any remarks whatsoever on the subject. His noble Friend rose for the purpose of replying to a speech which had just been delivered by the noble Duke, and which it was impossible for him to have passed by in silence. His noble Friend asked whether it had come to this—that they were to deal with the Established Church of this country—a Church of which the Sovereign was the head—on the principle that the Ministers of the Crown had no opinion whatever on the subject; that they were to discuss a measure most materially affecting the interests of the Established Church until it came to its third reading, and then were to be told at last by the Leader of the Government in that House, that they acknowledged no responsibility as to the question whether it was wise to maintain the present number and status of the Bishops [of that Church or whether it was wise to alter them? They had heard a great deal about those who were favourable to Establishments and those who were opposed to them, but he said that the Church of England was half disestab-

lished already, if the House of Lords were to discuss a measure materially affecting its interests, and the responsible Ministers of the Crown were to have neither an opinion favourable nor an opinion adverse to that measure, and were to permit it to pass without any declaration of opinion.

THE MARQUESS OF SALISBURY thought the noble Lord who had last spoken could not have been present during the debates that had occurred in the House on this Bill, or he would hardly have expressed himself as he had just done on the conduct which been pursued by the Government. The Government had never been neutral on the question of policy which that Bill involved. He had heard his noble and learned Friend on the Woolsack state with distinctness that the Government were favourable—as most persons who were acquainted with the Church of England were favourable—to any measure that would be effective for the purpose of relieving the labours which lay upon its overworked Bishops; whether that Bill in its practical working was most likely to attain that object, whether its details were precisely those which the Government themselves, if they undertook to deal with the subject in a general way, would have adopted, was a matter on which it was not necessary for them to state, or even to form, their opinion until an exigency arose requiring that opinion to be laid before the world. The policy of the noble Lord's Bill—if any policy it had—was undoubtedly one to which the Government were favourable, if the time was suitable for carrying it into effect, and if the details of the machinery could be found by which the object of the measure could be accomplished. The objects of the Bill were no doubt good; but there were many difficulties in the way when they were dealing with a general Bill which might well make the Government pause before they undertook the responsibility of a general measure of this kind; and although they were perfectly willing to let the noble Lord—with whose wishes and endeavours to promote the welfare of the Church they had the heartiest sympathy—bring forward his Bill, they did not care themselves to accept the responsibility of a Bill of the practical working and general effect of which they had no certain opinion. For himself, he had always

sincerely sympathized with the object which his noble Friend had in view; but he confessed that he did not regard his Bill as a very practical one, and he should be surprised if any great practical result came from it. If those opinions did not justify a Government in refraining from taking any strong practical part in the discussion of a Bill of that character, he hardly knew what rules could guide their conduct. Remarks had been made as to the precise amount of cordiality which the Government had shown towards the Bill. The noble Lord appeared to measure the goodwill and heartiness of those who were friendly to his object by the number of speeches they made, and his complaint was that all the Members of the Treasury Bench had not delivered speeches on the subject. He thought it very undesirable that the noble Lord's canon of cordiality should be followed in that House.

LORD LYTTTELTON: Not one of them spoke.

THE MARQUESS OF SALISBURY asked how many speeches it required to show cordiality? He was afraid that some of his Colleagues who had the conduct of measures had reason to complain if the noble Lord's test of a cordial support was accepted. According to that standard, the Mutiny Bill and other Bills had received no very cordial support. The real test of cordiality was when a Bill was opposed. If divisions were taken on a Bill, then the question of supporting it arose; but when a Bill was quietly passing through the House, for the Members of the Government to be required to make gratuitous speeches to prove their cordial goodwill towards its promoter was not the course most calculated to facilitate the progress of business. For himself, if he should have the charge of any measure to which there was no sign of any opposition being offered, he should earnestly deprecate any speeches being made in its behalf that were couched in the tone adopted by the noble Lord himself (Lord Lyttelton) that evening. With regard to what had fallen from the noble Earl the Leader of the Opposition in that House, no doubt they all had the means of knowing from the Votes that were laid on their Table what Bills had been brought in and Notices given in the other House of Parliament. But on mere rumour, and at a moment's

Viscount Cardwell

notice, for the noble Earl to require his noble Friend to go into the witness-box and submit to be catechized on the exact provisions of another Bill, which might have some affinity to that Bill, was to set aside entirely the object for which the rule as to not taking unauthorized notice of what was proceeding in the other House had been laid down. The truth was, that the pretence that the two Bills interfered with each other was wholly unfounded, and there was no reason why both Bills should not be passed, or why, while their Lordships were discussing the present Bill, the Bill in the House of Commons should be mentioned at all. In conclusion, he could not help regretting that his noble Friend at the Table (Lord Lyttelton) had thought fit to accompany the final stage of that Bill with a speech of so much warmth that it certainly was not likely to aid in bringing about the consummation which he desired.

THE EARL OF KIMBERLEY was not aware what precise amount of cordial support the noble Lord at the Table (Lord Lyttelton) had expected from the Government; but, judging from the speeches just made by the noble Duke and the noble Marquess opposite, it seemed to him that the noble Lord had hardly received any support from them at all. The noble Marquess had very fairly told them that the Bill was not very likely to be a practical measure, and the noble Duke said it was a matter on which the Government were indifferent.

THE DUKE OF RICHMOND denied the accuracy of that statement.

THE EARL OF KIMBERLEY thought, when a Minister said he expressed no opinion for or against a Bill, that looked very like indifference. The noble Lord at the Table had referred to the *viaticum* given to his Bill. This seemed to him very appropriate, as the *viaticum* was only given in *articulo mortis*. Was it too much to ask that the Government should have some opinion on a subject of that kind? Was the Church of England at that moment in such a position that any Bill affecting its interests could be a matter of indifference to any one, whether he was a friend or a foe of the Church? Was the question not one on which the Government were especially called upon, not only to form an opinion, but to announce and act on that opinion? No

doubt, the noble Marquess was correct in saying there was a rule that they should not refer to what passed in the other House; but, surely, they had a right to complain that when their Lordships were discussing a measure for the creation of additional Bishops, which had reached its third reading, the Government did not let them know that they had themselves prepared another Bill relating to the same subject. The noble Duke knew perfectly well that the Government were about to introduce a Bill in the other House bearing on the same subject, but he did not say a word about it. And when the noble and learned Lord on the Woolsack said it was not a habit in that House to put Questions without Notice, he would ask was it a habit for a Government to leave one branch of the Legislature in entire ignorance of a measure which it had introduced in "another place" on a matter germane to one which their Lordships were discussing? He did not think this ought to be treated as a personal matter; but still he thought his noble Friend (Lord Lyttelton) was quite justified in calling attention to the way in which a measure of such importance had been treated by the Government.

THE EARL OF MALMESBURY thought the discussion most unprofitable. At the same time, he could not help saying that during the many years he he had sat in that House he had never heard any Member of it speak as the noble Lord at the corner of the Table (Lord Lyttelton) had done that evening. He had listened to strong language, he had heard emphatic contradictions addressed from one side of the House to the other; but never till the present occasion had he heard a private conversation with the Prime Minister repeated publicly in that House. Whatever might have passed between the Prime Minister and the noble Lord, the latter was wholly out of Order, having regard to the usages of their Lordships' House, in coming down here and accusing the Government of not having fulfilled a promise which the Prime Minister had privately given him. This was what the noble Lord had done, and he appeared unwilling to retract what he had said. He (the Earl of Malmesbury) was in a position to say—indeed, he was authorized to say—that the noble Lord had entirely misunderstood what

had passed in the conversation in question, and had consequently—of course, not wilfully—misrepresented the facts of the case. The truth of the matter was as followed:—After seeing the noble Lord the Prime Minister consulted his Cabinet as to the line Government ought to take, and the Cabinet determined that they would not oppose the measure of the noble Lord, but would give him a negative support. This might not be altogether intelligible to the noble Lord the late Secretary for the Colonies, who made many speeches—good speeches, too—and very seldom gave a silent vote. For his own part, however, he very often gave silent votes, and his conscience did not tell him he was to blame when he voted without having made a speech. In the present case, it had not been at all incumbent on the Government to take an active part in supporting the measure; at the same time Members of the Government had never said a word which could be regarded as uttered in opposition to it. They had sat quietly and listened to the arguments of the noble Lord, and had never cheered the arguments that were directed against the Bill. But if it was the duty of the Government on such an occasion to be eloquent and use all the rhetoric they could command, what he would ask was the natural duty of the Opposition? Were they to sit like dummies and have no opinion upon the matter under discussion? Had any Member of the late Government spoken from the front Opposition bench on the Bill of the noble Lord? If any of them had, he did not recollect it. Something had been said in the course of the present discussion by the noble Earl the late Secretary for Foreign Affairs (Earl Granville) with regard to a Bill which had been introduced in the House of Commons. The noble Viscount who afterwards spoke (Viscount Cardwell) explained that the remark in question had been a mere passing observation or allusion, and not an interrogatory. However that might be, he must altogether repudiate the idea that Her Majesty's Government were bound beforehand to inform that House of all the Bills which they were going to bring into the House of Commons. In what they had done they had kept strictly within the usages of Government and of the Legislature. As to the Bill of the noble Lord they had never shown

hostility to it in any way, and it seemed to him the noble Lord had shown a most extraordinary ebullition of temper when he declared that the Government had been hostile to his Bill, and found fault with them on that ground.

LORD REDESDALE said, that as one who was extremely favourable to the measure of the noble Lord, he regretted the discussion which had arisen, for he feared it would not assist the passing of the Bill. To his mind the introduction by the Government in the other House of the Bill for the formation of a diocese of St. Albans was not hostile, but rather favourable to the progress of that of the noble Lord. It was a direct admission on the part of the Government that an increase in the Episcopate was desirable, and the measure afforded some practical hints which might aid in making a general scheme effectively operative. In no respect did it conflict with the Bill of the noble Lord.

THE ARCHBISHOP OF CANTERBURY said, he thought the noble Lord might congratulate himself on the interest and excitement his Bill had created that evening. For himself, he could not conceive what the noble Lord had found fault with him for, unless it was that he had spoken twice in favour of the Bill. The noble Lord deemed it extremely improper that a measure of this kind should have been introduced without eliciting a very distinct expression of opinion from Her Majesty's Government; and other noble Lords who sat opposite maintained strongly that there ought to have been on the part of Members of Her Majesty's Government a full discussion of the measure. But the noble Lord had had the Bill in his hands for several years; and, when on a former occasion, the noble Lord had introduced a Bill similar to the present, the Government of the day had acted in regard to it very much in the same way as the present Government had acted in regard to this Bill. It seemed to him the noble Lord was unreasonable, for not only did he require that there should be speeches in favour of his Bill, but he went the length of dictating that no other measure, however valuable it might be, should be introduced with reference to the object he had in view. If he remembered right what he had said on a former occasion, it was to the effect that while giving a full and cor-

The Earl of Malmesbury

dial support to the Bill of the noble Lord he would yet have preferred, had it been in his power, to follow another course than that which had been adopted. The noble Lord spoke of a mine having been sprung under his feet; but it appeared he had been aware for a considerable time that a measure with regard to a new diocese of St. Albans was in contemplation, before, indeed, he himself (the Archbishop of Canterbury) knew of it. Speaking for the right rev. Bench in general, he could only say that they were very much obliged to the noble Lord for having introduced the Bill now before the House. They believed that some measure of the kind was absolutely necessary; they would be very sorry if from any mismanagement or misunderstanding; neither of the Bills passed; and they would be very glad if both of them became law.

On Question, *Resolved in the Negative.*

LORD LYTTTELTON denied that his interview with the Prime Minister was private—it was an official and not a private interview. It was an interview which he had as having charge of the present measure. If he had known what was to have occurred, he would have written instead of having a personal interview. In the month of July last he wrote to the right hon. Gentleman and asked him to bring the question formally before the Cabinet. In reply he was informed that although Her Majesty's Government were disposed favourably to the measure, it was not deemed expedient, at that time of the year, to give a definite opinion upon it. He had never supposed that they would pronounce an opinion upon it at that time; and he was much pleased with the answer, and thought that he was much indebted to the Government for having taken the question into consideration. What occurred subsequently was this—he saw the Prime Minister shortly after the first meeting of the Cabinet in November, and he was about to ask the right hon. Gentleman to bring the matter before the Cabinet, when, much to his gratification, the Prime Minister told him that he had already done so, and that they were prepared to support the measure. There were three courses open to the Government—they might have opposed the Bill, they might have supported it, or they might have made themselves

responsible for it. He had never asked the Government to undertake the third course, and he had never hoped that they would do so; but he asserted that the words of the Prime Minister were, that he should have the declared support of the Government in both Houses in favour of his Bill.

THE DUKE OF RICHMOND asserted that the noble Lord had entirely misapprehended the purport of what passed between himself and the Prime Minister.

Bill *passed*, and sent to the Commons.

CHURCH PATRONAGE BILL [H.L.]

Select Committee on: The Lords following were named of the Committee:—

Abp. Canterbury.	V. Cardwell.
Ld. Chancellor.	Bp. Peterborough.
Abp. York.	L. Rayleigh.
Ld. President.	L. Rosebery.
M. Lansdowne.	L. Selborne.
M. Salisbury.	L. Coleridge.
E. Nelson.	

House adjourned at a quarter past
Seven o'clock, 'till To-morrow,
a quarter before Six o'clock.

HOUSE OF COMMONS,

Tuesday, 16th March, 1875.

MINUTES.] — SELECT COMMITTEE — New Forest, appointed; Acts of Parliament, nominated.

PUBLIC BILLS — Resolution in Committee — Ordered—First Reading—Tonnage Admeasurement * [98].

Second Reading—Convention (Ireland) Act Repeal * [85], put off.

Second Reading—Referred to Select Committee—Metropolis Local Management Acts Amendment * [38]

Committee—Report—Regimental Exchanges [3]; Consolidated Fund (£7,000,000) *.

Considered as amended—Building Societies Act (1874) Amendment * [72].

Third Reading—(£882,661 8s. 11d.) Consolidated Fund * [New Title], and passed.

The House met at Two of the clock.

INDIA—MASSACRE OF MR. MARGARY AT MANWINE.—QUESTION.

Mr. WAIT asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to demand the punishment of the perpe-

trators of the treacherous massacre of Mr. Margary and his five servants at Manwine while engaged in Her Majesty's Consular service; and, whether he has any objection to state what directions, if any, have been given on the subject?

MR. DISRAELI: Sir, we sent instructions to Mr. Wade, Her Majesty's Minister at Pekin; and Her Majesty's most able Minister at Pekin—for it would be impossible to speak too highly of his qualifications—to call upon the Chinese Government to make a strict investigation into all the circumstances connected with this deplorable affair; and, until we receive his Report, it will, of course, be out of our power to decide upon the steps we will take. The death of Mr. Margary is a public calamity. He was the son of a general officer in Her Majesty's service, and he was a young man of great promise and ability, who had displayed all those qualities which were suitable to the eminent career which I have no doubt awaited him had his life been spared. With regard to the circumstances which are known to Her Majesty's Government, this unhappy event occurred in a district scarcely within the boundary of the Chinese Empire, a district in which it is doubtful whether the power of the Imperial Government was clearly established, and which is inhabited by a mixed population of Shangs and Chinese. The moment the Government receive from Mr. Wade the result of his appeal to the Imperial Government, I shall have, I hope, to make a further communication to the House.

LOCAL TAXATION—COLLECTION OF RATES.—QUESTION.

COLONEL BRISE asked the President of the Local Government Board, Whether, in the event of there being no comprehensive measure of legislation upon Local Government in the present Session, he would endeavour to carry out one of the resolutions in the Report of the Poor Rates Assessment Committee of 1868, as well as in the Report of the Local Taxation Committee of 1870, in reference to the method in which rates are now collected, the resolution being as follows:—

“That a demand note shall be left at the premises rated for each ratepayer on the rate

being made, stating the amount of the requisition; the rate in the pound for each purpose for which the rate is made; the rateable value of the premises; and the amount of the rate thereon?”

MR. SCLATER-BOOTH, in reply, said, that by the General Order of Accounts issued in 1867, it was provided that the overseers of the different parishes might, if they thought fit, cause a demand note to be left with each ratepayer, specifying the particulars of the claim upon him, and showing also the purposes for which the rate was made. That power had been availed of in the metropolis to a considerable extent, and also in many other towns, and there was no doubt it would be competent for overseers and parish officers to avail themselves of it much more largely. It was impossible, however, at present, to make this salutary regulation compulsory on all overseers, because, as his hon. and gallant Friend was aware, the recommendation of the Local Taxation Committee of 1870 proceeded upon the assumption that there would be a consolidation rate for all purposes collected by one authority, and that was yet far from being the case.

IMPRISONMENT FOR CONTEMPT OF COURT.—QUESTION.

MR. CHARLES LEWIS asked the Secretary of State for the Home Department, Whether his attention has been called to the report in the “Herts Guardian” of the 6th instant of the committal, by one of the Judges of Assize, of William Craddock to prison for twelve calendar months for contempt of court, the fact being that Craddock, after his acquittal by the jury of the offence charged against him, addressed to his fellow prisoner, who had attempted to incriminate him, Craddock, the words “I'll give it you for splitting on me;” whether, under such order of imprisonment for contempt of court, Craddock is now suffering imprisonment and is put to hard labour of the second class; and, whether he has any power to arrest the carrying out of such order of imprisonment; and, if so, whether he will take steps to secure the release of Craddock?

MR. ASSHETON CROSS, in reply, said, his attention had not been called to the statement referred by the hon. Member, but he believed it to be true

Mr. Wait

that this man was committed for 12 months by Mr. Justice Denman for contempt of Court. The facts, however, as he was informed by that learned Judge, were scarcely in accord with the statements made in the Question. The two men were indicted for uttering base coin, Craddock, the elder, after two former convictions. The other man, who was much younger, pleaded "Guilty," and stood aside while the jury were being sworn to try Craddock.

"At that time," says the learned Judge, "I observed that Craddock stepped up to the other in a hasty way and spoke to him, and that the turnkey stepped between them and drew the other man aside."

Craddock was tried, and, although the case was one of strong suspicion, he was acquitted. The learned Judge was then informed by the turnkey that just before the trial began, upon the other man's pleading "Guilty," Craddock had gone up to the other man and threatened that he would "give it him" or "do for him" when he (Craddock) came out for "splitting upon him." The learned Judge added—

"I had, and have, no doubt whatever that what he meant was to threaten the other man if he gave evidence on the trial against him. This I looked upon, and still look upon, as a very gross contempt of Court, which, having occurred under the eyes of the jury and in the dock just at the commencement of the trial, it was my duty summarily to punish if not erroneously imputed."

That was the statement of the learned Judge, and in his (the Judge's) opinion the punishment was not too severe.

MR. CHARLES LEWIS gave Notice that early after Easter he would bring under the consideration of the House the general subject of the power vested in the Judges without any appeal or reference to a jury to inflict fine and imprisonment, for so-called contempt of Court, upon Her Majesty's subjects.

CRIMINAL LAW—VIOLENT ASSAULTS —LEGISLATION.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for the Home Department, When the measure mentioned in Her Majesty's Speech for preventing violent assaults will be introduced?

MR. ASSHETON CROSS, in reply, said, that the measure had long ago been prepared, and would be introduced as soon as there was any reasonable chance of passing it through that

"Temple Bar" which at the present moment was so crowded.

INDIAN FINANCES.—QUESTION.

MR. ONSLOW asked the Under Secretary of State for India, Whether Her Majesty's Government has received a telegram corroborating the intelligence in to-day's "Times" regarding the state of the Indian finances?

LORD GEORGE HAMILTON, in reply, said, a telegram had been received at the India Office similar to that published in the daily papers, and Her Majesty's Government had no reason to believe that the figures thus transmitted were less accurate than those which they had received in former years.

BUSINESS OF THE HOUSE—THE MORNING SITTING. OBSERVATIONS.

MR. NEWDEGATE rose to call attention to the circumstances under which the House had met at 2 o'clock, and, if necessary, he would conclude with a Motion. It might be his own fault that he did not look at the Notices and at the newspapers earlier; but certainly it was not until an hour ago he was aware that the House would not meet at the usual time—a quarter to 4. He might take blame to himself for not being in his place last night; but it was impossible that all Members could always be in their places. He opposed the late Prime Minister when he attempted to alter the time at which the House was appointed to meet, and to change an afternoon into a Morning Sitting, late at night to a Sitting for the following day, without previous Notice, and he was supported in several divisions. Since 1869, the House had been in the habit of adopting a Resolution under which Morning Sittings began from a certain date, and the House had always required the usual Notice of the intention to submit that Resolution; but on this occasion no such Notice had been given. Taken by surprise, he had been unable to look for precedents; but, so far as his memory served him, he believed there was no instance of a Morning Sitting earlier than the 27th of May. He could easily allow that the Prime Minister had taken the course now adopted for the convenience of the

House, but the precedent he had inadvertently set was a dangerous one; because the adoption of the Resolution of 1869 without Notice would unfairly deprive hon. Members who might chance to be out of London, or who might not look very closely at the Notices, of opportunity to take part in the Business of the House. He hoped the right hon. Gentleman at the head of the Government would give the House an assurance that what happened last night would not be repeated. In conclusion, the hon. Member moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Newdegate.)*

MR. DISRAELI: I am not aware, Sir, that I committed any breach of Order in the course which I proposed, and which the House consented yesterday to take; and I am not aware that my hon. Friend has himself personally been subjected to any extraordinary inconvenience, or been deprived of that information as to the meeting of the House which, of course, is convenient to all its Members. The House, when I made the Motion last night, was very full—unhappily, my hon. Friend was absent—but the House was otherwise extremely well attended, as the Division List shows. An opportunity was then given to any hon. Member to object to the course I recommended, but no objection was made. I proposed that the House should continue the Business it was then engaged upon at 2 o'clock to-day. I did not suddenly propose any new Business, and as to giving a Notice of the Motion of meeting to-day at 2 o'clock previous to the debate, that was perfectly impossible; because I could not foresee the circumstances which justified my making that proposition to the House. I do not wish to cavil with the ultimate course of the proceedings and the result; but I think there was a general understanding in the House on both sides that we should have concluded the Committee on the Regimental Exchanges Bill last night, and upon our concluding that Committee last night the general arrangements for future Public Business very much depended. I therefore made a proposition which allowed the House the adjournment upon the subject which they desired con-

sistently with the Forms of the House, which have now been established some years, and which I myself originally proposed with regard to the Morning Sittings, and it was unanimously acceded to by the House; therefore, the great majority of hon. Members certainly can have no reason to complain. My hon. Friend unquestionably has been inconvenienced, but who could have contemplated that? The announcement was made in the House before midnight; and as I have not the advantage of seeing my Friends who sit behind me so well as my courteous opponents who sit opposite to me, I concluded that my hon. Friend, who rarely is absent from this House, and who is well known as a model and the pink of perfection in the matter of attendance at and fulfilment of his Parliamentary duties, was in his place. But if he had not been in his place, who could have supposed that my hon. Friend would not have examined his Papers in the morning—I will not say the first thing in the morning, but after prayers? My hon. Friend, when examining them, would see in a moment that in two places it was stated that the House would meet at 2 o'clock. While I deeply regret that my hon. Friend has been put to some inconvenience, I do not collect from his complaint that it has been greater than being somewhat hurried at a period of the day when one is disposed to restore exhausted nature by morning studies. As regards the House, I do not admit that I have taken any other but a strictly Parliamentary course; indeed, you, Mr. Speaker, would have corrected me if I had done so. Many even of my own Friends, if I had taken a course which was not Parliamentary, would, I feel sure, have interposed. The House will perceive that it was quite impossible for me to give any Notice, because I could not contemplate what would occur. I appealed to the House, and the House responded to the appeal. I think it would be most inconvenient that Notice should be required of such a Motion. I think that, under the circumstances, it is a power which the House ought to exercise. When the Business is unnecessarily disturbed, its convenience should be consulted as to the time when hon. Members may wish the Business to be concluded. I think it is a power which is highly

Mr. Newdegate

beneficial ; and I therefore cannot agree to the proposition of my hon. Friend that Notice should necessarily be given of a Motion which may be required by circumstances which, anterior to the Motion, could not have been anticipated by those who have to conduct the Business of the House.

MR. DILLWYN: The right hon. Gentleman has alluded to the fact that no objection was taken to the course proposed by him when the House adjourned. I felt a very strong objection to that course, and an inclination to disagree to the very unusual course of adjourning without previous Notice having been given. Indeed, I never remember a case in which the House adjourned without Notice at any time of the evening that such adjournment would be moved. Although I felt an objection to the course taken I did not choose to raise the objection. I had before interfered, and I felt that it would be utterly useless to object to anything that might be proposed by the Government with respect to this Bill, seeing that there was a majority in the House who were determined, whether right or wrong, to pass it. They said so more than once, and we were taunted by them that we were in a minority. More than that, there were Amendments which had been placed on the Paper by some hon. Gentlemen opposite which would have improved the Bill, but which had disappeared. I considered that a sufficient reason why it would be useless to make any objection to the unprecedented course pursued by the Prime Minister.

MR. J. S. HARDY pointed out that when the right hon. Gentleman at the head of the Government made a statement the other day as to the course of Public Business, he said that if the Committee on the Regimental Exchanges Bill was not got through on Monday night it might be necessary for him to make some changes in the arrangement of the Public Business. He (Mr. Hardy) might say for himself, and, he believed, for several hon. Members sitting near him, that they entertained the opinion that a Morning Sitting would be proposed, and he believed that was also the understanding on the other side of the House. ["No, no!"] If they had not received some such Notice as to what might be the intention of the Government they might have pursued a different course.

MR. WHALLEY said, he was surprised that the hon. Member for Swansea (Mr. Dillwyn) did not rise to protest against a course which he considered inexpedient because he would have been overborne by a majority. That was the very reason why the hon. Member should have protested, even if he had stood alone. He (Mr. Whalley) thanked the right hon. Gentleman at the head of the Government for having given them the opportunity of considering the subject at a Morning Sitting.

THE MARQUESS OF HARTINGTON said, he did not rise to controvert the proposition of the right hon. Gentleman opposite, as the course he had taken was within the Rules of Order. Nevertheless, he believed it was an unusual course to take a Morning Sitting without Notice at so early a period of the Session. He could not agree with the hon. Member for Rye (Mr. J. S. Hardy) that sufficient Notice was given to the House, for the statement of the Prime Minister that, in the event of the Committee on the Regimental Exchanges Bill not being concluded some other arrangement would have to be made, did not necessarily imply a Morning Sitting. He might, for instance, have put the Order on the Paper for this evening, and have tried to induce private Members to postpone their Motions. On the whole, however, he was free to admit that, as regarded the discussion on the Bill, the course which the right hon. Gentleman had taken, although perhaps it might be inconvenient to some individual Members, was, generally speaking, the most convenient for the majority of the House. He wished now to call the attention of the Government to the course which it was proposed to take with respect to other Business. The Chancellor of the Exchequer had placed the Committee on the Friendly Societies Bill next to the Order of the Day for the Regimental Exchanges Bill. He did not think it would be fair to a numerous class of hon. Members who took an interest in the Friendly Societies Bill that the discussion on it should be proceeded with to-day. It was understood yesterday that if the Committee on the Regimental Exchanges Bill did not terminate at an early hour, the Friendly Societies Bill would not be proceeded with until after Easter. It was quite possible that many hon. Members might have left London

under the impression that there was not the slightest possibility of the discussion on the Friendly Societies Bill being proceeded with; and he trusted if the discussion on the Regimental Exchanges Bill should not terminate shortly, the Friendly Societies Bill would not be proceeded with. He thought it would be for the convenience of the House, when there was a probability of a Morning Sitting being asked for, that some notice of it should be given to the House.

MR. NEWDEGATE, in withdrawing the Motion for adjournment, said, he had called attention to the Rules of the House because those Rules were, as Lord Eversley on quitting the Chair warned the House, all founded on good sense. He must say, in answer to the remarks of the hon. Member for Swansea (Mr. Dillwyn), whom he very much respected—that it would appear from their silence last night as if the Liberal Party had been so long in a majority that they had to learn afresh their duty as a minority.

THE CHANCELLOR OF THE EXCHEQUER said, he wished, before the Motion was withdrawn, to answer the question put by the noble Marquess. Before the House broke up last night the right hon. Member for Bradford (Mr. W. E. Forster) put a question to him on the subject of the Friendly Societies Bill, and his reply, which he begged to repeat now was, that it was not at all his idea that the House would be able to proceed with the Bill in Committee to-day; but it appeared possible that there might be an hour or two to spare for discussion in the course of the afternoon. The position of the Bill was this—it had been read a second time; there was no Notice of any opposition to its going into Committee, and he did not apprehend that there was any intention of opposing that Motion; but, on the other hand, there were several hon. Gentlemen who had not yet taken part in the general discussion, and who wished to make some observations on the principle of the Bill. Under these circumstances he did not think any harm could come from a discussion being brought on at any time when hon. Members who wished to express their views on the subject were present. He had told the right hon. Gentleman last night that he would not attempt to bring on the Bill at any time which might be inconvenient to hon. Members. The subject was one which

very much interested persons connected with the societies throughout the country, and when there was a suggestion that the Bill was coming on a large number of them came up to London. There was no use, however, in their attending a debate on the Motion that the Speaker do leave the Chair; when they wished to be present was when the clauses were being taken. It would therefore be desirable that it should be known generally when the Committee was coming on. If he found, in the course of the day, that there was no desire to take the Bill, he would not persevere in bringing it on.

MR. W. E. FORSTER said, he was sure it would have weighed with the Chancellor of the Exchequer if he had known that hon. Members who had a desire to address the House on the principle of the Bill would not have an opportunity of doing so in consequence of the impression produced by the right hon. Gentleman himself. He hoped, therefore, the right hon. Gentleman would not bring on the Bill to-day.

COLONEL BERESFORD said, he wished, before the discussion closed, to put the saddle on the right horse. Any inconvenience arising from the present meeting of the House was owing to the noble Marquess (the Marquess of Hartington.) The Prime Minister last night wanted to proceed with the Regimental Exchanges Bill until the Committee was finished, and it was not until the noble Marquess refused to go on that the Prime Minister proposed as an alternative that there should be a Morning Sitting.

MR. DODDS said, there were many persons in town who wished to know when the Bill was likely to go into Committee, and it would be a great convenience to them if some time could be fixed.

MR. P. A. TAYLOR appealed to the Judge Advocate not to proceed with the Mutiny Bill on Thursday next, on the ground that Members had not time to consider the Amendments, and that there were several matters connected with this Bill which they wished to discuss.

MR. WAIT suggested that it might be convenient for hon. Members to have a Morning instead of an Evening Sitting on the Thursday before Easter.

MR. STEPHEN CAVE said, that the Amendments on the Mutiny Bill had

The Marquess of Hartington

been delivered to hon. Members that morning; they were few and simple, and the questions which the hon. Gentleman wished to discuss did not come within their scope. He therefore thought that Thursday would be a convenient day for proceeding with the Bill.

Motion, by leave, *withdrawn*.

REGIMENTAL EXCHANGES BILL.

(*Mr. Gathorne Hardy, Mr. Stanley.*)

[BILL 3.] COMMITTEE.

Motion, by leave, *withdrawn*.

Bill *considered* in Committee.

(In the Committee.)

Clause 2 (Authorized exchanges exempted from Army Brokerage Acts).

MR. TREVELYAN, in rising to move, at the end of the Clause, to add—

“Provided, That the provisions of this Act shall not apply to any officer who has entered Her Majesty's service on any day subsequent to the 1st day of November, 1871,”

said: Sir, I have trespassed so largely and so recently on the kind indulgence of hon. Members that I feel bound to preface my remarks to-night by promising that they shall be brief; that they shall relate to a new and a special matter; and that in making those remarks I will not lose sight of the distinction which within these walls always is—or, at any rate, always should be—observed between a speech on the second reading of a Bill and a speech made when that Bill has passed into Committee. We are no longer concerned with the general controversy as to whether exchanges of commissions involving the payment of a sum of money representing the difference in the market value of those commissions should or should not be permitted in the British Army. That controversy is over and done with, and to recur to it would be to adopt a proceeding which hon. Gentlemen opposite might justly resent as vexatious. Our business at the present moment is not to protest against exchanges of this nature being permitted, but to define the limits within which their operation should be confined; and I hope to be able to show that the limit laid down in the Amendment which I have placed on the Paper in consonant with reason, distinctly indicated by the circumstances which have given rise to the introduction of this Bill, and strictly in accordance both with the

claims of the public and with the private interests of the officers. In the course of the debates upon this Bill there have been many subjects on which opinions have differed; but there is one subject on which there has been no dispute whatever—one statement which Members of the Government have uniformly made with exultation, and which we have uniformly admitted with regret—the statement that this measure is based upon a recommendation contained in the Report of a Royal Commission, and, what is more, of a Royal Commission appointed by the late Ministry. The First Lord of the Admiralty, speaking on the second reading, represented me as having questioned the right of himself and his brother Commissioners to make that recommendation. I did not interrupt the right hon. Gentleman, as not wishing to exercise the invidious privilege of correcting a speaker in possession of the House; but, as a matter of fact, whatever my thoughts on the subject might be, I never disputed the right of himself and his Colleagues to recommend anything that bore in any degree—and the question of exchanges bears in a very high degree—upon the pecuniary grievances of officers. But what I did say then, and what now I emphatically repeat, was, that the Commissioners were appointed to inquire into pecuniary grievances, and into pecuniary grievances alone; and that the right hon. Gentleman the Secretary of State for War, responsible as he is to Parliament and the nation for the discipline and spirit of the Army, was not justified in sheltering himself behind the dictum of Commissioners who, in their capacity of Commissioners, are no more authorities on the question of Army government and administration than are the Commissioners of Lunacy or the Commissioners of Inland Revenue. But the right hon. Gentleman has chosen so to shelter himself, and the House of Commons by enormous and repeated majorities has approved his course. He has told us that he holds before him as a shield the Report of the Commission; and with regard to the officers who were already in our Army before 1871, that Report must now be acknowledged to have been a very efficient protection; but in dealing with the case of their juniors I will undertake to show, if the Committee will give me attention for not very many minutes, that

this redoubtable shield is one which the feeblest weapons of logic can pierce; or, to drop a metaphor which has already served too long a turn, I assert that, for the purpose of making an alteration in the existing system of exchanges with regard to officers who have been appointed since Purchase was abolished in November, 1871, the Report of the Commission affords no reason, excuse, or justification whatsoever. For under what circumstances was that Commission appointed, and for what end? A great multitude of officers had memorialized the Commander-in-Chief on the subject of the changes for the worse that had been effected in their position by the Royal Warrant of 1871. The Duke of Richmond brought these memorials to the notice of the House of Lords, and a debate ensued in which every speech, and every word of every speech, was directed exclusively to the discontent which existed among the officers who had memorialized the Horse Guards, everyone of whom had been in the Army previous to the time when Purchase was abolished. The Duke of Richmond moved an Address to the Crown, praying Her Majesty to issue a Royal Commission to inquire into the allegations of officers in Her Majesty's Army as to the grievances which they state that they suffer consequent on the abolition of Purchase, and this Address, in spite of the opposition of the late Government, was carried by a majority of nearly three to one. The answer to that Address was the appointment of the Commission presided over by Lord Penzance. The terms of Reference of the Commissioners are as explicit and as clearly defined as those of any Commissioners who ever were nominated. They are expressly charged to examine into and report on the complaints of officers who were in the Army before November, 1871, and of those officers alone. Among those complaints, one very frequently insisted on was, the loss of the privilege of exchanging for money. Officers were permitted to appear before the Commission who explained very clearly and in great, but not unnecessary detail, how they had paid large sums of money, under the express or implied sanction of the State, to purchase commissions, in the full expectation that they would be able to recoup themselves by effecting a profitable exchange. But the Royal Warrant of

1871 deprived them of that resource. One gentleman estimated his loss from this source at £2,500 on a single bargain, and another at £2,200, spread over his whole career. A third had actually bought an exchange for £750, "in full faith and confidence," to use his own words, "that I should receive the same again by an exchange to some regiment in India." Sir, these are hard cases; very hard cases indeed; and if, in order to meet these cases, the Commissioners had recommended that the privilege of exchanging for money should be restored to those officers who had entered the Army in the full belief that to the end of their term of service they would be allowed to exchange for whatever sum they could obtain, I should have said that, though they had overstepped the letter, they had not violated the spirit of their terms of Reference. But now we are asked to extend the effect of their recommendation to a fresh class of officers—to those young men who have entered the Army voluntarily, and with their eyes open, under the new set of conditions laid down by the Royal Warrant of 1871; one of which conditions is, that exchanges shall not henceforward be bought and sold at their market price—a class of officers about whose status, if there be any force and meaning in the English language, in which the terms of Reference are written, the Commissioners had no instructions to inquire, and no authority to pronounce. Sir, if the Committee does not accept this Amendment, we violate the terms of an express contract, under which the Crown engaged the services of all the young men who have entered the Army since November, 1871, and in so doing we commit an injustice to the nation, and a still greater injustice to the officers. It is an injustice to the nation, because we are allowing a number of its servants to settle among themselves the locality of their service by private arrangement, and, what is worse, by private bargain; because we are striking out one of the most important provisions from the ruling clause of the Royal Warrant—a clause which has cost the taxpayer hard upon £1,000,000 a line. And this in the case of men who have not, and do not profess to have, the shadow of a ground of complaint; who entered the Service with no more notion that they would, at any future time, be allowed to barter their commis-

Mr. Trevelyan

sions, than the officers in our Departments at Whitehall believe that at some future time they will be allowed to barter their clerkships. And if you extend the operation of this Bill to recently-appointed officers, you will give rise to an abuse which appears to me to be the most flagrant with which the discipline, and I will venture to say the honour, of the Service was ever threatened. Officers complained before the Commission that they were unable to sell "the intrinsic value of the prestige of commissions in the more privileged regiments;" and there was no reason why they should not so complain, for acting strictly according to the old rules of their profession they had purchased that prestige for large sums of money. An officer who has given £8,000 or £9,000 for a commission of major in the Guards, when he might have bought a majority in the Line for little more than half the money, suffers under a grievance which is great in my eyes, and enormous in his own, unless he is allowed at will to exchange that commission, and receive the £3,000 or £4,000 of difference. But we have changed all this. An officer now receives a commission in the brigade of Guards by favour, and not by purchase; and henceforward if a gentleman who, without expending a farthing, has been honoured with the privilege of guarding Her Majesty's person is to sell that privilege, not to pay his tailor's bill—for Beau Brummell himself would hardly in the course of 10 years run up a tailor's bill within one half of the amount—but in order to purchase the freehold of a house in Onslow Square, or to make a settlement on his wife, all I can say is, that Mr. Cox's head clerk himself would call such a transaction a scandal to the Army and an outrage on the Crown. If we do not take care what we are about we shall violate the terms under which all our younger officers have given us the benefit of their services, and shall violate them to their immense disadvantage. The great majority of these gentlemen have obtained their commissions by their own industry and ability; not by private interest, or by having money at their command. Many of them belong to the class which Sir Charles Napier described as providing the best officers in the world, the class of gentlemen who have their bread to earn. They joined our Army on the

express understanding, that if their health would not allow them to support the influences of a tropical climate they should, on application to the military authorities, have their claims to exchange with an officer in a battalion at home fairly and equitably considered. But, if this Bill passes without the addition of the words that I have placed upon the Paper, the less wealthy among them will find all the exchanges bought up by their richer comrades; and they will have absolutely no choice but to ask for sick leave, and, when that sick leave is out, to retire on half-pay, because they cannot live in the climate to which their regiment is attached on account of their health; or, it may be, in consequence of the very wounds which they have received in defence of a nation whose Representatives have had so little regard for the terms of the agreements which they make with the officers whom they employ. And, again, what will be the effect upon the mind of these officers when they become the victims of a transaction similar to that described by the hon. and gallant Member for Sunderland (Sir Henry Havelock) in his admirable speech; where a major or a colonel in their own regiment, whose five years are nearly out, and for whose vacancy they were anxiously looking, is suddenly, in consequence of an exchange, transferred to another and luckier, because wealthier, regiment, and replaced by an officer who has still four of his five years to run, and who blocks the prospect of advancement which had once been so fair. Already these gentlemen are overweighted in the race of promotion. They find themselves passed at every step by officers who enter through the Militia, and who begin their Army career in a higher rank than themselves. But if you give to these officers from the Militia, who for the most part belong to a wealthy class, the additional facilities for rapid promotion which this Bill affords to men of means, you intensify into a gross injustice that which is at present a serious inequality. These gentlemen chose their profession under the belief that they would be encouraged to devote their entire attention to their studies, to their drill, to the welfare of their men, and to the administrative work of their regiment. In the Royal Warrant of 1871, they had an absolute pledge that the cares and occupations of a military

career would be exclusively of this honourable and interesting nature. And now we come to tell them, with all the authority of Parliament, that their business will henceforward be to watch the market, to calculate like so many actuaries the chances of promotion in a battalion at the Mauritius as opposed to a battalion at Aldershot, and to worry themselves with speculations whether or not it is worth their while to sell the prestige of a famous and ancient regiment, to which they have perhaps been appointed as a reward for proficiency in military knowledge, or transferred as an acknowledgment for distinguished service in the field. It is to rescue them from such a prospect as this, so contrary to the anticipations which at the time when they donned their uniforms these officers had reason to entertain, that I earnestly entreat the Committee and the Government favourably to consider the Amendment that is now before them. And I venture humbly to express a hope that those Gentlemen from the Sister Isle who sit around me will not on this occasion resort to a neutrality which both sides of the House alike lament, but will record their votes either for or against a proposal of such high import to the future well-being of that Army, the past history of which is the common pride of every one of the Three Kingdoms. And, Sir, we must not too readily come to the conclusion that the wishes of these, the younger officers of our Army, are in favour of this Bill. It will be said that they have not proclaimed their objections to it; but no one who knows the British Army, with its spirit of strict and graduated discipline, and its deeply-rooted respect for seniority, could possibly expect that officers, the oldest of whom is of three years' standing, should indulge in any manifestations against a measure which is popular with the majority of his seniors among company officers, with a great majority of field officers and generals, and which is ardently promoted by those who are in the confidence of the Commander-in-Chief, and by the Secretary of State for War. It is not in Memorials and Petitions, and letters to the newspapers, that you must look for the opinions of these young men. You have an indirect, but most significant test of their feeling in the matter. If the abolition of the purchase of exchanges had, indeed, made

the Service less attractive to men of birth and high spirit, hon. Members who have sons or nephews would not have been obliged to resort to statistics in order to ascertain that the Army was less popular than of yore. But as it is, every avenue to military service, whether through the Militia, the Universities, or the open list, is crowded with a throng of candidates exactly of the same class as we have always been proud to see at the head of our soldiers, who prove, by their numbers and their eagerness, how highly they appreciate a service, one of the first conditions of which still is that exchanges can no longer be bought or sold. It so happens, Sir, that, from circumstances to which it is unnecessary to allude, I have a pretty extensive acquaintance among the junior, and, without unduly boasting, I may say, the rising officers of our Army; and I know, as well as perhaps most other hon. Gentlemen know, the objects on which their hearts are set. They wish to have the rules of retirement definitely laid down on a regular and not too illiberal scale. They wish to be able to look forward to a certain pension when they leave the Army, and while they are in the Army to a reasonable flow of promotion. They wish to have their obligatory and customary expenses decreased and their pay increased, until they may be able to earn, by the devotion of their lives, a modest, but a secure subsistence. By the abolition of Purchase, the late Secretary of State made the Army a profession in which men must work. It is for the present Secretary of State to make it a profession in which men can live. And let him undo that lamentable General Order, by which those prizes in the Army which had been solemnly promised to officers who had passed the Staff College were wantonly taken away, just as they were rising to the rank at which they could enjoy them. Let him give once more a fair field to merit, and no favour to wealth or patronage, and he will do much more to win the gratitude of the gentlemen in whose behalf this Amendment is moved than if he includes them wholesale in a measure whose justification is the Report of a Commission which, as I have shown by arguments that I believe to be absolutely unanswerable, has no more to do with the officers appointed to our Army during

Mr. Trevelyan

the last three years than with the lieutenants in the Prussian Guard. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

At the end of the Clause, to add the words "Provided, That the provisions of this Act shall not apply to any officer who has entered Her Majesty's service on any day subsequent to the first day of November 1871."—(Mr. Trevelyan.)

MR. FORSYTH considered that the Amendment rested upon a basis which was entirely fallacious. The hon. Member asked the House by this Amendment to decide that the free exchanges permitted by the Bill were a necessary evil, which ought to be restricted as much as possible, and ought not to be allowed at all whenever they could be prevented. But the principle of this Bill was the very reverse. Its object was to facilitate free exchanges. The hon. Member (Mr. Trevelyan) wanted the House to draw a hard-and-fast line at a certain year, and to say it would allow this necessary evil up to 1871; but that as regarded officers who had entered the service since that time, and in future, no free exchanges should be permitted. If the Members on the Ministerial side of the House accepted that Amendment they would stultify themselves. Exchanges were permitted by the law as it at present stood, and money was also allowed to pass. In the year 1871, when the late Government abolished Purchase, they were so satisfied that the system of exchanges should continue that they made special regulations recognizing it, and also for allowing money to pass. Three-fourths of the arguments on the other side were based upon the ground that this Bill ought not to pass, because thereby officers would be enabled to escape foreign service. Now, he held in his hand a Return relative to exchanges during the last few years, which was in more than one respect significant. Since exchanges had been regulated by the late Government there had been 106 exchanges in regiments of the Line, 75 of which were effected in order to escape going to India, which showed that the officer now escaped going to India, and did not face the jungle and the malaria. In the Artillery, which was a non-purchase corps, there had been 129 exchanges within the last seven years, 71

of which had been effected to escape foreign service. In the Engineers only 17 had exchanged, 14 of which were effected to escape foreign service. These figures proved that the declamation against this Bill on the ground that under it there would be exchanges injurious to the service and derogatory to the character of the British officer was all moonshine, because the very thing was happening under existing regulations. The same remark applied to money. Money was allowed to pass under the regulations of the late Government just as it was to be allowed under the present Bill. But the War Secretary very wisely and very judiciously declared he would not take any cognizance of these money transactions. His position in the matter was simply this—that exchanges must be regulated by military considerations, and military considerations alone. That was surely not a point to be controverted by hon. Gentlemen opposite. He must credit the Leaders of the Opposition with sincerity of purpose—else, having achieved unpopularity with the British electors, they could not be so determined to alienate the affections of British officers. He believed there were no military officers on the front Opposition bench; but he could not think that right hon. Gentlemen would run their heads against a wall unless impelled by countervailing considerations. They must be constrained by the highest and purest motives to increase their unpopularity in standing forth as the opponents of the wishes of the officers of the whole British Army. He should certainly vote against the Amendment.

MR. LOWE said, the hon. and learned Member (Mr. Forsyth) had taunted the Leaders of the Opposition with not being military officers, and he presumed that taunt would not have been levelled at them if the hon. and learned Member had not acquired his knowledge in the corps of Volunteers over which a peculiar potentate was popularly supposed to preside. Whatever might be the merits of the hon. and learned Member from a military point of view, he had not done justice to his other profession of the law, because he had done that which lawyers seldom did—he had carefully avoided touching in the most remote manner upon the question now before the Committee. The question was not

that of exchange, but it was the passing of money—whether money was to pass or not, and whether money should pass as an inducement to effect these exchanges. How, then, could the hon. and learned Member think he had proved his point by adducing a large number of instances of exchange which had been effected without this consideration? The points made against them by hon. Gentlemen opposite might be stated in a very few words. They said—“You appointed a Commission to inquire into the grievances of the Army”—occasioned by the abolition of Purchase—“and you are bound by what your Commission reports. It is the same as if you had done it yourselves; we take it from you and carry it out.” Now, was that a fair statement of the case? He thought it was not. The late Government did appoint a Commission to look into the grievances occasioned by Purchase, and there was some force in the argument so far as it applied to what had been done by the Commission, with the view of remedying the hardships occasioned by the abolition of Purchase. For the purposes of this discussion he admitted the argument, and was ready to concede what the Commission recommended in that sense. But the Commission being appointed for one purpose went beyond what was entrusted to them, and made recommendations which were not apparently intended to remedy the evils of purchase at all, but merely to please the Army by letting them traffic in exchanges, and there he thought they strained the matter too far. Let them look at the matter plainly, and as men of the world. Why, this officers’ grievance question had come as a god-send to right hon. Gentlemen opposite. They were looking out for something to do to please the Army, and they got hold of this aberration of the Commission and jumped upon it with both feet, receiving it like manna or dew from Heaven, so welcome was it to them. For the purposes of this Motion he was ready to be bound by the Commissioners so far as their authority extended; but when the Commissioners went beyond the scope of their inquiry, it was open to right hon. Gentlemen opposite to say that they chose to follow them in that erratic course, but not that the founders of the Commission were responsible for it. The chief thing which struck

him in connection with the question before the Committee was the extreme hardship and unfairness that would be imposed upon young officers who had joined the service since the abolition of Purchase. § When the latter fact was accomplished the country practically said to these young officers,—“We are going to introduce a new kind of service; by diligence and studious devotion to your profession you may rise in it without any pecuniary means whatever; the element of money is banished, and you may look forward to anything that is to be got in your profession.” That was the sort of temptation and prospect we had held out to them if they would look at their profession as gentlemen ought to look at it, as a noble pursuit to be followed as a matter of duty and honour, and if they would not look at everything simply in the light of the amount of money to be got out of it. He really did not envy the feelings of any man who preferred to educate our young officers in the old school of the Army, subject as it was to all its low and mean pecuniary considerations, instead of inculcating upon them the nobility of a service free from such degrading influences. Another point upon which he desired to lay stress was this. He could not conceive how a system of promotion by merit could be reconciled with the principle of the Bill which the House was asked by Her Majesty’s Government to pass. When a man was promoted for merit he did not perhaps gain much in material advantages, but had conferred upon him a high and distinguished honour, and this distinction was a means of delivering the Army from mere pecuniary fetters. But how would such a system work when a young man was placed in such a distinguished position and was then afterwards allowed to sell it? Surely the two systems of selection and purchase could not work together. If they favoured the system of promotion by merit they must give up these pecuniary transactions; but if they maintained the latter they must abandon the former. He was concerned to see that the whole argument had changed since they had first begun to discuss the Bill. Then the House was told that it was only desired to legalize these exchanges in order to promote the convenience of officers, who by reason of ill health, large families, or other causes, found it neces-

sary to change their places of residence. As the discussion had advanced it had turned upon considerations more and more mean and sordid, and it was now clear that the only point upon which officers and their friends were thoroughly agreed was that they had in their commissions vendible commodities, and that they did not mean to be deprived of the power of disposing of them. During the past few days he had been engaged in a Committee upstairs inquiring as to certain matters affecting the Stock Exchange, and he found it difficult to distinguish between the proceedings in the Committee on this Bill and those in the other Committee to which he referred as far as their tone was concerned. He had in the course of the debate heard declarations which were anything but re-assuring. The Secretary of State for War had been very difficult to be "drawn" in reference to the matter. The declaration of the Secretary of State merely amounted to this—that the Guards were not entitled to sell the intrinsic value of their corps. But that was just the very point that was doubted. It was asserted by the Opposition, that an officer might look over the roll of such a regiment's achievements inscribed upon its colours, from Blenheim to Waterloo, and Waterloo to Inkermann, and then consider how much money he could get for an exchange. That was the thing called prestige. A band of brave, gallant, and noble men had served their country in every part of the world; they had shed their blood, and brought upon themselves immortal honour; and it was left for another set of men to make money out of these exploits of their predecessors by selling their positions. That point had been made abundantly clear by the admissions of the Secretary of State for War himself. Another serious blot in the Bill was that which his right hon. Friend the Member for Pontefract (Mr. Childers) endeavoured to meet by moving an Amendment to the effect that a number of officers in a regiment should not be allowed to make up a purse to be presented to a senior officer in order that he might, by retiring from the regiment, give them each a step. The Secretary of State for War, in opposition to this Amendment, held that the state of things against which it was proposed to guard would not arise, but this statement did not

get over the fact that what had happened in the past was likely to occur again.

MR. CHARLES LEWIS rose to Order. The right hon. Gentleman was in Committee making a speech which would have alone been appropriate on the Motion for the second reading of the Bill.

THE CHAIRMAN ruled that the right hon. Gentleman was perfectly in Order.

MR. LOWE said, it was clear that the hon. and learned Gentleman who interrupted him did not understand the question, which was, whether Parliament should or should not exclude from the operation of the present Bill certain officers who were not affected in any way by the abolition of Purchase. This was an entirely new question, and its discussion necessitated the examination of certain general considerations connected with the measure. Under the existing law, transactions such as those referred to by the right hon. Gentleman the Member for Pontefract were punishable by expulsion from the Service, and the Secretary of State for War proposed to legalize such proceedings, meeting the objections made on the score that it would re-enact Purchase with the observation that the state of things so strongly feared would not arise. Let them not force this iniquity upon young men, who were free from the system of Purchase, who never had anything to do with it, and who, unless the House insisted upon breaking down this salutary bulwark, would never have anything to do with it. He was told that the promotions for merit in the Army amounted to some 2 per cent—so small an amount that, as a mathematician would say, it might be neglected altogether; and therefore, after paying an enormous sum to get rid of Purchase, we had not got what we paid for, and meant to have, we had got not a service of promotion, but a service of seniority, and now this vagary of the Commission was taken advantage of in order to bring back in its full effect and integrity the system of buying officers out by bonus and by contributions. Although we had got a seniority service, that service was encumbered and disgraced by a great many of the incidents of the Purchase system. How long it would be before we came to Purchase pure and simple

no one could say; if things remained in the present train come it would; so he thought they were justified in asking the Secretary for War to have a little mercy upon the young officers who had been trained up to look to other and better things, and not to insist upon bringing back upon them all the old incidents of buying, selling, dealing, trucking, and huckstering in commissions.

Mr. J. S. HARDY opposed the Amendment, remarking that it seemed to have been assumed as a fact that the present system of exchanges in the Army was satisfactory. He, on the other hand, thought it utterly indefensible. It was a thoroughly weak system, and acted unjustly. Under it the middle-class man with £100 or £200 at his banker's, might be relieved from the competition of the richer man bidding against him; but the really poor man might be left to rot in India or to submit to any misfortune that might happen. It seemed to him that there were only two courses to be adopted—either they must allow unrestricted exchanges, or prohibit them altogether, leaving any arrangement of the kind which might be absolutely necessary to be made by means of a payment by the War Office, and not by the officer. The latter plan would involve a charge upon the country which hon. Gentlemen opposite were not likely to approve, while it would also greatly interfere with the convenience of the officers, and, for his own part, he should support the Bill.

Mr. PERCY WYNDHAM remarked that it was too late for hon. and right hon. Gentlemen opposite to bring forward such arguments against the Bill as they now advanced, considering the manner in which they dealt with this question when they were in power. Did they say that exchanges were beneficial to the service, and that therefore they ought to be made at the expense of the country? No; their economy prevented them from taking this course, and they threw the cost of an exchange on one of the parties making the exchange, reserving a right to limit the amount given. The whole of their objections to the Bill and their reasons for supporting the Amendment, arose from their opinion that an exchange for 5s. was a moral transaction, but that one for which 7s. 6d. was paid must be condemned.

Mr. A. H. BROWN deprecated legislation in favour of the rich only, adding that no money would ever be required to induce British officers to encounter danger.

Mr. GLADSTONE: Mr. Raikes—I have not, Sir, been eager to take a part in the discussions on this Bill; on the contrary, I have been exceedingly desirous to avoid it. I have a great dread of re-actionary measures in general, and I was in hopes that the experience of last year upon another measure would have conveyed a warning to the minds of Her Majesty's Government. But on this occasion my hon. Friend the Member for the Border Burghs (Mr. Trevelyan) has given us an opportunity, for which I, for one, feel much indebted to him, of meeting the Government and doing all we can to procure what would be, upon the whole, a not unreasonable, and what would almost promise to be a reasonable, settlement of this question. Sir, I must here refer to words I have heard. A sentiment has been expressed by a Gentleman who has had the benefit, I think, of a few months' experience in this House, and who announced, on the part of the majority of this House, that they were determined to carry through this Bill exactly as it stood. Well, Sir, I trust the very last thing for which a Liberal Opposition will be known in future times will be a resort to factious resistance; and there cannot be the smallest doubt of the power of the majority to carry out their threat, and, as the field of discussion is a limited field, of their power to carry out their threat within a very moderate time. But a settlement such as this, in so far as it is a settlement at all, is a settlement due to the humour of the day. It is founded, not upon an appeal to the general reason, but upon the possession of a majority, which, as it came into existence upon a certain occasion, may upon some other occasion in the future cease to exist. So far as all reasonable concessions are intended and are desired, in order to meet the grievances of individuals, there is every disposition on our part to be parties to them, even if we do not take the same view of those grievances as has been taken by hon. Gentlemen opposite. But this I must say, that if, after the enormous sacrifices the country has been called upon to make with a view to the abolition of

Purchase, practices are to be introduced which rest upon essentially the same foundation, which differ in principle though not in name from Purchase, which the Secretary for War disapproves, and the re-introduction of which I feel perfectly confident he will do his best to resist, and practices which, as we believe, will infallibly draw after them, probably by a series of changes, according to the insidious nature of the motives you are now asked to bring into action all that is essentially contained in the system of Purchase—I must say, for one, it is impossible to regard such a settlement as that as a permanent settlement; and those who avail themselves of the majority of the moment for the purpose of pushing on a measure so remarkable in distinct, although only partial, derogation of the great measure of 1871, must not be surprised if, at some future time, the measure with which they measure is meted out to them. I am not going to refer, in the name of boon and privilege, to that which I believe it to be, the bane and mischief of the future of the officers of the Army; but hon. Members must not be surprised if, upon public grounds, it shall be hereafter disavowed and withdrawn, even as upon grounds, I think not public, it is commended to this House. I give the fullest credit to the right hon. Gentleman the Secretary for War for his intentions in this matter. I give him the same credit as I gave to those from whom I may have differed in opinion, and who were my Colleagues in the service of the Crown. It is not, however, integrity and uprightness of intention which will suffice to counteract and neutralize the subtle, vigilant, incessant action of those personal motives besetting him in every form and at every point which we are now going to set in motion. Well, Sir, what did the right hon. Gentleman tell us? I wish to show how completely my hon. Friend the Member for the Border Burghs meets the reasonable—the not unreasonable—demands of this case. The right hon. Gentleman has stated it is behind the shield of the Commission he seeks shelter. Now, how far does the shield of the Commission avail him? For what purpose was the Commission appointed? It was appointed to inquire into grievances, and into grievances entirely of a personal and pecuniary character. So

far as the Commission recommends to us measures affecting the future policy of this country with respect to the Army, the Commission consists of three respectable, amiable, and distinguished individuals, and it consists of nothing more; because as soon as it goes into a question of future policy, it is acting entirely beyond the grounds on which it was appointed to act; and it is impossible to quote the authority of this or any Commission, except for the purpose to which it was instructed by the Crown to direct its attention. What was that purpose? It was the relief of officers from what were considered their pecuniary or their personal grievances; and all the Commissioners have said with respect to the policy of the case is this—that they are not satisfied that there will be any detriment to the Service from the re-introduction of exchanges in the manner of Purchase. That may be all very well; but it is not the question they were appointed to settle. That was not the question which the Commissioners were appointed to inquire into, and any one sitting here is as much entitled to give a judgment, and with as much authority, as these Commissioners, respecting what is detrimental to the Service. I have a great respect for the Commissioners, within the lines in which they were appointed to act. They were appointed to consider the relief and advantage of officers who were in the service at the time the Warrant for the Abolition of Purchase was issued, and who had formed certain expectations founded on long-continued practice—expectations which it has always been the habit of Parliament, even in its greatest energy of reform, to respect, and which I trust it always will be the habit of Parliament to respect. The Amendment of my hon. Friend the Member for the Border Burghs, accordingly meets the whole of the purpose for which the Commission was appointed. He grants to every officer who had obtained his commission before the 1st of November, 1871, all that is asked for in this Bill. I must say I was in hopes that upon this ground we should have been met. I am sorry to see the nature of the policy which has been pursued on the other side of the House. In every shape in which mitigation of this Bill could be suggested, it has been or it is intended to be opposed. The Government were asked to exclude field officers

from the provisions of the Bill. This has been refused. Then the Government were asked to prohibit by statute what is called the making of purses—that is to say, to prohibit it by the only means which can be effectual. That, too, has been refused. The Government were also asked to limit these transactions within the pecuniary amount of £500, and we had an expectation of arguing that question under a shield—to use a favourite word—and under the authority of the hon. and gallant Gentleman opposite (Colonel Loyd-Lindsay), who proved last night to be somewhat less gallant than he has been on all previous occasions; but we were obliged to argue that matter on the shield of our own responsibility. That also was refused. Another proposal will be made for giving publicity to these transactions. I have a strong opinion on the subject; but I am afraid that that also is to be refused. And now my hon. Friend comes forward with this proposition and says—“Take for your officers who have a grievance everything that they demand.” And if I may form a judgment from the voices which have been heard on the Government side of the House I conclude that this also is to be refused. I must here point out, as I did some eight or nine months ago, when speaking on another subject, that this is not the way to secure the stability of legislation, and that proposals so conceived and so pushed, without mitigation, with no justification practically of the grounds on which they are made, are not according to the habits, the temper in which Parliament usually acts, or according to the principles and modes of action by which the legislation of this country has become so famous. Let it be remembered how serious are the difficulties which will be set in operation by this Bill. The hon. Gentleman the Member for Rye (Mr. J. S. Hardy) who has spoken this evening in that manner which always pleases the House, and with a talent which all are glad to acknowledge, says with truth that it will be a difficult thing for the Secretary of State to determine between what regiments exchange shall be allowed, and between what regiments it shall not be allowed—whether the credit and fame of a regiment be such that an officer shall be allowed to part with it, or whether it be such that he may not be allowed to part with it. Is not that the very

strongest reason which can possibly be conceived against a measure which allows you to bring into the field motives not in themselves legitimate—motives which will create desire for such things—motives which do not now exist, and which will place the Secretary of State in difficulties he is not placed in, and need not be placed in now? But the right hon. Gentleman has felt that he was obliged to make his choice between them. After the pressure of the questions addressed to the right hon. Gentleman last night we now clearly understand, as far as negatives can make a thing clear, that although he has told us exchanges are not to be free, the circumstance that the credit and reputation of a particular regiment enter into the price to be paid is not to be a reason for refusing an exchange. If I am wrong I hope I shall be contradicted at once; but I have no doubt I am right. Indeed, it was impossible to listen to the right hon. Gentleman last night, and not to perceive that he felt the difficulty which the hon. Member for Rye has now explained to us, and that he would not undertake to lay down distinctions in principle between one regiment and another. Consequently, those regiments which are famous, and which in other respects possess the greatest advantages, are to have those advantages, whether they consist in fame and glory or not, put up to sale whenever the process of exchange can be made conducive to the transaction of such a sale. The hon. and learned Member for Marylebone (Mr. Forsyth) says all these evils already exist, and that at the present moment exchanges are made for the purpose of avoiding service in India. But nobody denies for a moment that there may be perfectly legitimate causes for desiring to avoid service in India. Causes of health, of family, and many other personal considerations may give a just personal ground for desiring to avoid service in India. And the merits of the present system is, that it affords that degree of scope and enables the Secretary of State for War and the military authorities to meet these reasonable demands. But is it because there are sometimes just reasons for wishing to avoid service in India that we are to recognize those reasons which are unjust? What we contend to be an unjust reason is this—that the possession of wealth ought not to be a ground for the

Mr. Gladstone

avoidance of irksome service. Let us well understand what is this question. Nobody supposes that any officer in the British Army will ever be misled by any amount of money, or by any secondary motive whatever, in a case where honour or where danger is in question. It is not a question of dangerous service; it is not a question of flinching from the calls of honour; it is a question of the avoidance of irksome service. But that service is the greatest difficulty of a standing Army in time of peace, and most of all the difficulty of a standing Army like ours, which has to serve all over the world; and the difficulty is greatly aggravated by the constant and rapid growth of wealth in the country, and the incessantly more and more luxurious habits of society. It is idle to tell me that young men, whether in the Army or not, entertain considerable repugnance to the undertaking of irksome service if they can avoid it, and we contend that they ought not to be enabled to avoid it by means of wealth. We are not, however, urging this objection against those who have claims growing out of former expectations. Look at the evidence adduced before the Commission, and at the Report of the Commissioners. Everything they have heard and everything they have said carries up the question to this very point—that it is proposed to allow men by force of money to obtain the privilege of relief from irksome service. Now, it has been shown over and over again how hardly this will operate on those men who now, having legitimate reasons for desiring to exchange home from India or elsewhere, and having now nothing to bar their arriving at such exchanges, will be debarred in future by the competition of the wealth they do not possess. But, Sir, apart from hardship to individuals, I ask the House of Commons whether, at this time of day, it is wise, whether it is patriotic, I would almost say whether it is decent, that we should be busying ourselves with legislation to place wealth in a position of advantage as compared with talent, with character, and with service? Is, then, wealth so poor and so oppressed a thing; is it a commodity so little in request that it is totally destitute of the means of getting fair play for itself in the different ranks of life? Is this an age which is honour-

ably distinguished for its indifference to the mere claims of wealth? I love not excessive privilege, whether for wealth or for anything else; but if privilege were to be introduced in favour of rank, birth, and ancient name and family, I should infinitely prefer it to the invidious, I must say the odious, task of deliberately and with our eyes open making for the service of the Queen Regulations, so that, by means of wealth apart from merit and service, a particular officer is to have an advantage over another in choosing the place where he shall serve. All this is most serious matter. These discussions, I think, need not be greatly prolonged, yet I very greatly doubt whether the question can end with discussions of a Bill conceived in such a spirit as this. The right hon. Gentleman referred to one point which I must notice. Of course, I am sorry to be compelled to touch upon topics of a general character; but as the question is whether officers of the future shall be included in the Bill, it is necessary for me to touch briefly on the leading points of the measure. If the right hon. Gentleman the Secretary of State for War were omnipotent in the case, I should not be in the slightest degree afraid of leaving the honour of the service of the country in his hands; but he has said very frankly, that by declaration he proposes to take what he thinks is a security against the practice of what is called making purses. My right hon. Friend near me proposed to deal effectually with this question by making it penal on the part of officers to concur in any arrangement contravening the law now in existence. The right hon. Gentleman rejected this suggestion, and proposes in lieu of it to proceed by way of declaration. Now, a man's declaration is only valuable with reference to what is done by himself. For example, an exchange is going to be made between two officers, A and B, who are to make a certain declaration. Such a declaration may be perfectly good as far as A and B are concerned; but this is not the point at issue. The allegation is that C, D, E, and a number of other officers will have direct inducements in many of these cases to subscribe money and enter into what will be peculiarly a pecuniary transaction, and the right hon. Gentleman proposes to prevent that proceeding, not by asking these officers—which, indeed, might be absurd—whether

they have done so, but by asking A and B what C, D, E, and half the other letters of the Alphabet have been about. This seems like an unquestionable leaving open of the door for the introduction of the process of Purchase. There is no doubt about the nature of the objects the Commissioners have had in view. It is quite evident to those who read this portion of the Report that the adjustment of matters of pecuniary and personal grievance has been that to which they had addressed their minds. I greatly regret that they did not take into view the distinction between the officer of the past and the officer of the future. But as they have not done so, and as when they were called upon to make recommendations they made a declaration deeply involving the policy of the future, I maintain that the claim of the right hon. Gentleman to be covered by their authority entirely fails, and that the whole measure remains open to the force of these remarks which have been made from this side of the House in so many forms and with so much weight and clearness—that this is a measure tending to give undue advantage to the possession of wealth as compared with other and far higher claims upon the notice and attention of authority. Such a measure has no claim upon our respect and attention, and can promise no good either for the present or for the future of that gallant service whose honour and distinction we are always so desirous of maintaining.

MR. GATHORNE HARDY: I rejoice, in common, I am quite sure, with the whole Committee, in hearing again the eloquent voice and the arguments of the right hon. Gentleman who has just addressed us; and before proceeding to remark upon those arguments, I must be allowed to thank him for his courtesy towards myself, and the fairness with which he admitted that I had no intention to bring about the evils we all so greatly deplore. Passing from this personal matter, I think, from what we have heard during this debate, it might be supposed we were forcing this Bill upon the House in some unheard-of manner; whereas, in the case of no Bill ever brought before the House of the same length and importance, have there been opportunities for such full discussion. The right hon. Gentleman says we have used our majority in opposing

the various Amendments which have been proposed from the opposite side of the House? Why did we do so? Because these Amendments were every one of them in flat contradiction to the Bill I had brought forward. They were strenuously directed against the main object for which this Bill has been introduced, and against the definite terms which were introduced to meet the difficulties which were the cause of complaint. In my first statement I forestalled the objections upon many of the subjects since alluded to, and I said then, as distinctly as I said last night, that my object was that exchanges should be as free as they were in former times, though then they were illegal; that I would render that legal which was formerly illegal; but, as regards money transactions, I should make no inquiry at all. I said this at first; I repeated it afterwards. The right hon. Gentleman (Mr. Goschen), rather in the catechizing manner of a schoolmaster than that of one Member of Parliament addressing another, put a question to me in a leading form, which, if answered in the same form would have rendered me liable to misconstruction of the grossest kind, while I had really answered the question frequently in the course of these debates in a general and true form. Was it never the case in former days that all the Amendments proposed on our side of the House were rejected by an overwhelming majority? Have there not been occasions when attempts were made, not by the ordinary constitutional means, but by that force which can never be exercised constitutionally in this House, by observing perfect silence, and by refusing to discuss the arguments urged on one side, and hasten on the adoption of a particular measure? No one can say that speakers have been wanted on this side of the House to meet the arguments addressed to us on the other side. Much has been said by the right hon. Gentleman about what I said about our being under the shield of the Royal Commission. Now, nobody knows better than the right hon. Gentleman that a shield is not a complete protection to the body, and that it is not supposed to render unnecessary every other kind of armour. It is true I have adopted the arguments of the Commissioners, and believe that the system they have recommended

Mr. Gladstone

would be beneficial to the exchangers, and not disadvantageous, but in many cases even beneficial to the service. But I have not only advanced under this shield, I have also in my defence used such weapons as I had a right to use, and have relied upon other arguments, as well as upon the authority of the Commission. We had been told that no great authority is due to the Commission, though they may have reported that this system would be beneficial to the Service. I should have thought men like Lord Penzance, Lord Justice James, and my right hon. Friend (Mr. Hunt) were peculiarly qualified to sit on such a Commission. They had sat on other Commissions which had considered the question, and Lord Justice James had himself been in the service. All the Commissioners were, in fact, well acquainted with it; and how was it that my Predecessor, Lord Cardwell, selected them for the purpose? At least we can claim the authority which is due to them, and I ask no more. The right hon. Gentleman says that abuse must necessarily arise from the existence of declarations. Now, the whole of our present system rests upon declarations. With respect to the Artillery and the double battalions, the Act of 49 Geo. III. does not apply, and therefore you must prosecute, not under that statute, but under the declarations. And what are these declarations? Do you suppose we shall allow them to be violated as the law was allowed to be violated in former times? Do you think we shall allow an officer to make false declarations, to violate honour and truth, and that he will not be prosecuted as he would have been under the statute of Geo. III.? The right hon. Gentleman says the declaration may be good as regards the two officers who exchange, but that other officers may be concerned by making up a purse to bring about the exchange. But does not the right hon. Gentleman see how the purse will be used? It must be made for the purpose of being paid to A or B, or else it is of no use at all. I say, therefore, if A can come forward and say—"I have received no money from my juniors in the regiment to exchange," and if B can say—"I am not cognizant of any money passing in this transaction, except the money paid by myself," such a declaration will be just as efficacious as the de-

claration made in the present instance. Is it not remarkable that the right hon. Gentleman should now support a proposal which would divide the Army into two classes of officers, and should tell us that this would not be an unreasonable solution of the question? What! Not an unreasonable solution of the question if it leads to the evil consequences which the right hon. Gentleman apprehends, and if we are putting the great majority of the Army into a position in which abuses must spring up which will bring back Purchase? Now, if this thing were not right in itself—if it were not as right for both parts of the Army as it is for one part—I should not advocate it; and I do not envy the feelings of hon. Members opposite who, having opposed every part of this Bill at every stage as a thing so horrible in itself that they would never assent to it, now say it would not be an unreasonable solution of the question to divide the officers of the Army into two classes. I pass now from the right hon. Gentleman (Mr. Gladstone) and come to the right hon. Member for the University of London (Mr. Lowe). What shall I say of the way in which that right hon. Gentleman has spoken of men who availed themselves of this system of exchanges in former days? He spoke of bartering and huckstering and trafficking in the prestige of a regiment. Let the right hon. Gentleman turn to the hon. and gallant Member for Sunderland (Sir Henry Havelock), and ask him who had huckstered and bartered and trafficked in the prestige of their regiment. Who are the brokers, and traffickers, and tricksters to whom the right hon. Gentleman referred? I think I see another hon. and gallant Gentleman opposite who in his time has been an exchanger, and who no doubt has paid or been paid for exchanging. Is he one of the barterers and tricksters—[An hon. MEMBER: Hucksters!]—whom the right hon. Gentleman is so anxious to exclude from the Army? I must leave those who make such charges to settle the matter with this gallant and distinguished profession, and to justify the taunts and sneers which are levelled against it in so unceremonious a manner. The right hon. Gentleman seemed to represent that among the officers of the Army there was no sense of faith, or truth, or honour; that they were ready to part

with the honour of their regiments. Let the right hon. Gentleman settle that with the Army and with the Commissioners. The right hon. Gentleman has intimated that there were officers in the Army who sought to excuse themselves from participation in irksome and dangerous duty by resorting to money payments. An argument on the other side was founded upon the assumption that there was a right on the part of the officers to exchange, and that we were going to make it an absolute right, without any control whatever. What I said to the right hon. Gentleman (Mr. Goschen) was—"You know as well as I do there is no such 'right.'" I avoided the trap which seemed to be laid that I might fall into an expression used by the right hon. Gentleman, and afterwards find it perverted into an expression to be used against myself. We have heard a great deal during the debate of money which would pass in these transactions, and the supposed degrading element of money has been much dwelt upon. From which side of the House did these expressions proceed? The right hon. Gentleman (Mr. Goschen) began his speech with money, the middle of it was money, and the conclusion money. It was from that side of the House, not from this, that these constant controversies about money arose. I ask, in what do we differ from our Predecessors? What was the ground upon which Lord Cardwell sanctioned exchanges in the future? Upon the ground of personal convenience. Yet this is the thing which has been condemned over and over again by the right hon. Gentleman. It was on the ground of personal convenience that exchanges have been made; it is on that ground that they are to be continued. Now, I listened to the speech of the hon. Member for the Border Burghs (Mr. Trevelyan) with the greatest pleasure, because it was a speech addressed calmly and coolly to our understanding and our reason, and did not fall under the head of appeals to that prejudice and passion which have been so characteristic of the speeches from the other side. The hon. Member for the Border Burghs seemed to say I had a very pleasant task before me—the task left me by my Predecessor. He says that my Predecessor made the officers' profession a profession of work, and that it will be for me to teach them how to

live. I would like to know what particular act of my Predecessor has made the profession a profession of work more than it was a profession of work before. I would like to know what is that particular thing done by my Predecessor, on which the hon. Member for the Border Burghs can lay his finger, which has exalted the profession of arms from the slough of idleness and uselessness to the noble position of a profession of work. I say that no distinction of that kind can be made between the Army as it was before and as it is now. But as for the other point, I quite admit there are many difficulties in the way of making officers live by their profession, and I must say it is not from below the Gangway opposite that I look for assistance whereby they may be enabled to live. There has been no great desire hitherto on the part of hon. Gentlemen opposite to pay British officers excessively; but I am sure the hon. Member for the Border Burghs will be glad that they should be paid, not an excessive, but a reasonable remuneration. When the hon. Gentleman tells me that I shall have to reduce their expenses and increase their pay, I hope if I live long enough I may be able to do something in that way; but I should tremble if I were to depend for my success on what was done by my Predecessor, for if my Predecessor has left me that work to do he has left me nothing wherewith to do it. Then there is another argument, and one of wider scope, which has been used by the hon. Gentleman. He says that by this Bill we have violated the understanding on which officers have entered the service under the Royal Warrant of 1871. Well, is it to be contended that Royal Warrants are not to be changed, no matter what may be the pressure of circumstances? And, if they are to be changed, is it to be admitted that this is to be done without giving officers any compensation? If the hon. Member means that, he broaches a very dangerous doctrine, because the moment you touch a Royal Warrant you touch a question of contract under which every officer in the Army entered. And now I have to say I am not prepared to accept this Amendment. I am not prepared to divide the officers of the Army into two classes—one class enjoying a freedom of exchange from which the other shall be debarred. The hon.

Mr. Gathorne Hardy

and learned Member for Oxford (Sir William Harcourt) would debar from exchange all those officers who have come in since 1871. Well, that is an intelligible proposition. I have always said so. On the other hand, I assume that the hon. Member for the Border Burghs means them to come in under the present system of exchanges—that is, under the Warrant made since they came in. I have been told to distinguish between the condition of things under the existing Warrant and that which I am about to produce; but I cannot consent to make so invidious a distinction. It is perfectly true the rich man has an advantage, because a large sum may have to be paid; but in cases where there are children and governesses to be taken into account I do not see how that is to be avoided. But when the right hon. Gentleman opposite speaks with contempt of the declarations which may be made hereafter he throws considerable doubt on the declarations made at present. For my part, I am not inclined to throw doubt on those declarations. I trust in the integrity and honour of British officers. I am aware of the responsibility I undertake, but I will say this—trusting as I do to the integrity and honour of the British officer, if I find that integrity and that honour violated, I will then be as severe as I am now disposed to be generous.

THE MARQUESS OF HARTINGTON: I am not disposed to prolong the debate on this Amendment after the very eloquent speeches of my right hon. Friend near me (Mr. Gladstone), and the right hon. Gentleman opposite (Mr. G. Hardy); but there were one or two things stated by the Secretary for War which I cannot altogether pass over. The right hon. Gentleman stated at the beginning of his speech that every Amendment proposed from this side of the House was hostile to the principle of the measure. The right hon. Gentleman must have forgotten the Amendment of my right hon. Friend the Member for Pontefract (Mr. Childers), which was not in the slightest degree hostile to the principle of the Bill, or to the spirit in which the right hon. Gentleman proposes to administer it. The object of my right hon. Friend the Member for Pontefract was merely to give a legislative condemnation to the practice which the right hon. Gentleman himself denounces

—that of subscribing and making purses to enable senior officers to exchange. That Amendment cannot be described as in opposition to the principle of the Bill. Then the right hon. Gentleman stated that Lord Penzance, Lord Justice James, and the right hon. Gentleman opposite (Mr. Hunt) had been employed on other Commissions connected with the Army, and were good authorities upon Army matters. I can hardly concur in the opinion that, however good authorities they may be on Army matters, they are the best men for settling the future policy of the Army. I do not think that a Commission composed of a couple of lawyers and a county Member is the best Commission we could have for such a purpose. The Commission should have included some one who had been connected with the administration of the Army; but this Commission was of a purely judicial character; and it never seems to have occurred to my noble Friend (Lord Cardwell), when he appointed those Commissioners, that they would do nothing else than report whether, if the officers' grievances were well founded, compensation ought to be awarded to them. I do think the Commission did somewhat exceed the scope of their instructions when, finding it not desirable to award any pecuniary compensation on account of exchanges, they took it upon themselves to recommend that payment for exchanges should be restored. The right hon. Gentleman has said that the declaration of officers was the only thing on which we had now to rely. That is very dangerous ground to proceed upon. I would be the last person to say a word that would be offensive to any officer. But we know that declarations of the most stringent kind could not be enforced during the existence of the purchase system, and, notwithstanding those declarations, that over-regulation prices had grown up was a matter of perfect notoriety. We know, and the right hon. Gentleman knows, these things, and yet he proposes to rely on declarations. No doubt, to a great extent we rely on declarations at this moment. I do not wish—and I do not know any one on this side who wishes—to contend that the present is a perfect system. If the right hon. Gentleman can recommend any improvement let him do so by all means. What is the declaration

which an officer is required to make? Is it that he has not done something condemned by law? But what the right hon. Gentleman is going to substitute is that he has not done something contrary to the Regulations the right hon. Gentleman is going to lay down. My right hon. Friend the Member for Pontefract did attempt to make illegal this practice of subscribing a bonus, and making up a purse to enable senior officers to exchange. But is there no difference between requiring an officer to declare he has paid nothing whatever except certain sums specified in the Schedule, and making it illegal to do so? Parliament tells the officer up to this time that his position is not to be obtained by any pecuniary compensation whatever. In future you are going to tell him that on certain conditions his position may be bought. You are now about to do what our Predecessors attempted when they laid down the regulation system, and over-regulation prices were the result. It is true, as has been stated, that General Havelock and other distinguished officers were obliged to sell their commissions—but what compelled them to do so? It was the purchase system; that purchase system which hon. Gentlemen opposite did so much to oppose the abolition of. It was impossible for a poor officer under that system to get on at all, except by the practice of exchanging for money; and, naturally, officers who wished to rise in their profession would take every chance that was left open to them to do so. But is it not a very different thing that an officer who has obtained by good fortune a commission in a privileged regiment of great prestige should barter the prestige of that regiment for a sum of money? I do not think that the conduct of officers in past time was deserving of the indignation of the right hon. Gentleman opposite. The right hon. Gentleman, referring to the speech of my right hon. Friend the Member for the City of London (Mr. Goschen), says that it began with money, continued with money, and ended with money; and the same charge was made last night against my right hon. Friend by the hon. and gallant Member for Westminster (Sir Charles Russell). But Sir, is it our fault or the fault of hon. and right hon. Gentlemen opposite that a word is brought into this discussion

that some of us regard as lying at the very root of the matter. The right hon. Gentleman opposite does not get rid of the money consideration by saying that he will not know anything about it. He does not, he cannot, deny that it is a question of money. The right hon. Gentleman seems to suppose that because he does not wish or intend to know anything about the sums of money which will pass between officers, he can by that easy process get rid of this as a question of money altogether. We have listened to speeches in which sordid considerations for exchanges was referred to; but we have also read the Report of the Commissioners and the evidence of gallant officers who were examined, and we find that the beginning of their evidence was money, the continuation of it was money, and the ending of it was money. And, Sir, if we find that pecuniary considerations occupy so large a space in the minds of gallant officers, to meet whose grievance the Bill was introduced, is it our fault, or is it the fault of right hon. Gentlemen opposite, that we have been obliged to call the attention of the House to the pecuniary consideration which the right hon. Gentleman thinks he can dispose of so readily? With respect to the Amendment of my hon. Friend (Mr. Trevelyan) I have not heard from the right hon. Gentleman any reason for refusing to accept it. The right hon. Gentleman says he thinks the measure right in itself, and equally applicable to one class of officers as another. We, on the other hand, think that the Bill is not right in itself, and, that although there may be some degree of palliation for it in the case of officers who entered under the Purchase system, who paid large sums for the position they hold, and who have been deprived of certain pecuniary privileges, we hold that there is no shadow of reason for re-establishing the system in the case of officers who entered the Army without any pecuniary intervention at all. The right hon. Gentleman has shown no ground for extending this system. Has any officer been examined by the Commissioners who has entered the Army since the abolition of Purchase; or have the officers themselves proved that there is any difficulty in effecting the necessary exchanges; is there any scrap of evidence that they themselves

The Marquess of Hartington

wish to have the system extended? Even if there were any such evidence I would ask what claim have the officers for any such provision? It was admitted last night that the privilege of possessing a commission in one regiment would show a distinct pecuniary value as compared with a commission in another regiment. Appointments are made to the Guards and to other distinguished regiments by the favour of the Commander-in-Chief, or of the colonels of those regiments; and it cannot be denied that, under these circumstances, the commissions of these officers, as compared with those of other officers, will possess a pecuniary value. The right hon. Gentleman says that no officer is entitled to exchange from those regiments; but he has not stated that he will impose any difficulty whatever in the way of such exchanges; and the result of the Bill will be that a young officer appointed to a certain regiment by the favour of the Commander-in-Chief, or of the colonel, will on the day that he obtains his commission become possessed of a valuable commodity, for which he has paid nothing, but with which he may part for a pecuniary consideration. The right hon. Gentleman was extremely indignant last night because we ventured to doubt whether this Bill would not restore Purchase. Well, I say that the effect of the Bill will be, contrary to the wish of the right hon. Gentleman, to restore something very like it; and not only that, but it will actually establish a new purchase system. I maintain that no answer has yet been given to the speech of my right hon. Friend the Member for the University of London (Mr. Lowe) on the first night of the debate, in which he challenged hon. Gentlemen opposite to show a distinction in principle between buying a commission for a sum of money and exchanging in consideration of a sum of money. That is the system you are establishing, and that, not in the case of officers who entered the service under the old system of Purchase, but who joined the Army under totally different conditions, and who have no claim whatever to benefit in a pecuniary sense by the system which this Bill will set up.

Question put, "That those words be there added."

The Committee divided:—Ayes 168; Noes 259; Majority 91.

VOL. CCXXII. [THIRD SERIES.]

AYES.

Acland, Sir T. D.	Harcourt, Sir W. V.
Adam, rt. hon. W. P.	Harrison, C.
Anderson, G.	Harrison, J. F.
Ashley, hon. E. M.	Hartington, Marq. of
Backhouse, E.	Havelock, Sir H.
Balfour, Sir G.	Herschell, F.
Barclay, A. C.	Hill, T. R.
Barclay, J. W.	Hodgson, K. D.
Bass, M. T.	Holms, J.
Bazley, Sir T.	Holms, W.
Beaumont, Major F.	Howard, hn. C. W. G.
Beaumont, W. B.	Ingram, W. J.
Biddulph, M.	Jackson, H. M.
Bolckow, H. W. F.	James, Sir H.
Brassey, T.	James, W. H.
Briggs, W. E.	Jenkins, D. J.
Bright, rt. hon. J.	Johnstone, Sir H.
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Cameron, C.	Knatchbull-Hugessen,
Campbell-Bannerman,	rt. hon. E.
H.	Laing, S.
Carter, R. M.	Lawrence, Sir J. C.
Cartwright, W. C.	Lawson, Sir W.
Cavendish, Lord F. C.	Leatham, E. A.
Cavendish, Lord G.	Leeman, G.
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Davies, R.	Massey, rt. hon. W. N.
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Errington, G.	O'Conor Don, The
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Shaw, R.
Sheil, E.
Sheridan, H. B.
Sherriff, A. C.
Simon, Mr. Serjeant
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Stuart, Colonel
Swanston, A.
Taylor, D.
Taylor, P. A.
Temple, rt. hon. W.
Cowper-
Tillet, J. H.

Tracy, hon. C. R. D.
Hanbury-
Villiers, rt. hon. C. P.
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Vivian, H. H.
Walter, J.
Watkin, Sir E. W.
Weguelin, T. M.
Whitbread, S.
Whitwell, J.
Williams, W.
Wilson, Sir M.
Yeaman, J.
Young, A. W.
TELLERS.
Hayter, A. D.
Trevelyan, G. O.

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Arkwright, R.
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Bentinck, G. W. P.
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Bourne, Colonel
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Bright, R.
Brise, Colonel R.
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Buxton, Sir R. J.
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Elliot, G.
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Forsyth, W.
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Garnier, J. C.
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Goldney, G.
Gooch, Sir D.
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Gore, W. R. O.
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Hamilton, Marquess of
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Legard, Sir C.
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Lewis, O.
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Lloyd, S.
Lloyd, T. E.
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Lorne, Marquess of
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Lowther, J.
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MacIver, D.
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Makins, Colonel
Malcolm, J. W.
Manners, rt. hn. Lord J.
March, Earl of
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Mills, Sir C. H.
Montgomerie, R.
Montgomery, Sir G. G.
Morgan, hon. F.
Mowbray, rt. hn. J. R.
Naghten, A. R.
Nevill, C. W.
Newdegate, C. N.
Newport, Viscount
Nolan, Captain
North, Colonel
Northcote, rt. hon. Sir
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O'Byrne, W. R.
O'Gorman, P.
O'Neill, hon. E.
Onslow, D.
Paget, R. H.
Palk, Sir L.
Pateshall, E.
Peel, rt. hon. Sir R.
Pell, A.
Pelly, Sir H. C.
Pemberton, E. L.
Peploe, Major
Percy, Earl
Phipps, P.
Pim, Captain B.
Plunket, hon. D. R.
Polhill-Turner, Capt.
Powell, W.
Praed, C. T.
Praed, H. B.
Price, Captain
Puleston, J. H.
Read, C. S.
Rendlesham, Lord
Ridley, M. W.
Ripley, H. W.
Ritchie, C. T.
Rodwell, B. B. H.
Roebuck, J. A.
Russell, Sir C.
Ryder, G. R.
Sackville, S. G. S.
Samuda, J. D'A.
Sanderson, T. K.
Sandford, G. M. W.
Sclater-Booth, rt. hn. G.
Scott, Lord H.
Scott, M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir
H. J.
Shute, General
Sidebottom, T. H.
Smith, F. C.
Smith, S. G.
Smith, W. H.
Smollett, P. B.
Somerset, Lord H. R. C.
Spinks, Mr. Serjeant
Stanhope, hon. E.
Stanhope, W. T. W. S.
Stanley, hon. F.
Starkey, L. R.
Steere, L.
Stewart, M. J.
Storer, G.
Sykes, C.
Taylor, rt. hon. Col.
Tennant, R.
Thynne, Lord H. F.
Tollemache, W. F.
Torr, J.
Tremayne, J.
Turner, C.
Twells, P.
Vance, J.
Verner, E. W.
Wait, W. K.
Wallace, Sir R.
Walpole, hon. F.
Walsh, hon. A.
Waterhouse, S.
Watney, J.
Welby, W. E.
Wellesley, Captain
Wells, E.
Wethered, T. O.

Whalley, G. H.	Wyndham, hon. P.
Wheelhouse, W. S. J.	Wynn, C. W. W.
Whitelaw, A.	Yarmouth, Earl of
Wilmot, Sir H.	Yorke, hon. E.
Wilmot, Sir J. E.	TELLERS.
Wolff, Sir H. D.	Dyke, W. H.
Woodd, B. T.	Winn, R.

Clause agreed to.

Clause 3 (Definition of Army Brokerage Acts), agreed to.

MR. HAYTER rose to move the following new Clause:—

(Terms of every agreement for exchange to be reported to Secretary of State.)

"No exchange shall be made in pursuance of this Act unless the terms of the agreement entered into between or on behalf of the officers making such exchange be reported to the Secretary of State for War before the same be authorised.

The hon. Member said that, in rising to make that Motion, he was not without hope that, even at the eleventh hour, the Government would assent to it, so that at least the country would feel that these transactions should take place in the light of day. The right hon. Gentleman said that he would take good care that no harm should be done to the officers of the regiment into which the exchange took place; but he did not, apparently, intend to look very much to the terms of the exchanges. The Bill was not a little measure. Purchase had been extinguished, and the House should be very careful how it allowed either the old system, or one like it, to grow up again. If there was any doubt whatever as to the large sums to which officers of the Guards would be entitled on the passing of this Bill, it was to be supplied in many quarters. Colonel Bateson stated that as much as £20,000 had been offered for a commission in the Life-Guards. It was certain that the four Heavy Cavalry regiments which did not go to India would acquire thereby an immense pecuniary advantage, and it was absurd that they should be allowed this to the exclusion of other regiments. If the right hon. Gentleman would accept his Amendment, it would remove much of the apprehension that was now felt, and would meet many of the Amendments which had been offered on this side of the House. He was sure that without it the whole system would crop up again, and in every mess-room exchanges would again become the universal topic of conversation, as Purchase was some time ago. He hoped the

right hon. Gentleman would meet them half-way, and accept a Motion which would do away with a great deal of the distrust which was now felt at the operation of the Bill.

New Clause (*Mr. Hayter*,) brought up, and read the first time.

MR. GATHORNE HARDY said, that if the hon. and gallant Member thought that he could accept this clause he must have formed an extraordinary opinion of those debates. He stated at the outset of these discussions that he neither could nor would know anything of the money which might pass between officers exchanging. The proposal would compel him at the outset to become acquainted with the terms on which every exchange was proposed to be affected. The question had been discussed over and over again in the course of the debate, and were he to acquiesce in the Amendment he might as well drop the Bill altogether.

SIR HENRY HAVELOCK supported the Amendment, and denied that the right hon. Member for the City of London (Mr. Goschen) had cast any slur upon the officers of the British Army. The Secretary for War seemed to hope, by shutting his eyes to money payments, to modify in some way the transactions which would take place under this Bill. He regretted the Amendment had not been accepted, because he was sure that the Regulations which it was proposed to frame in regard to exchanges, if they were to be of any effect at all, would have to be framed in something like the spirit of the Amendment.

MR. GOSCHEN said, that if he supported the principle of this clause, he hoped he would not be subjected to such reflections as the Secretary for War had made in his speech, and which he believed that the right hon. Gentleman would be sorry for after. The right hon. Gentleman said that he had discussed the question from a money point of view more than any other hon. Member who had taken part in the debate, and that money formed the beginning, middle, and ending of his speech. The joke was a very good one on the part of the hon. and gallant Member for Westminster (Sir Charles Russell), but it was hardly worthy of repetition by the Secretary of State for War. What was the fact? The beginning of his

(Mr. Goschen's) speech was composed of extracts from the Commission, the middle of it was devoted to the Report of the Commission, and the end to the Bill of the right hon. Gentleman, together with his views upon it. He thought, therefore, that the Secretary for War was hardly justified in making such a remark. The Committee might entirely rely on the statement of the right hon. Gentleman that he would be uninfluenced by the amount of money which passed; but what Members on the Liberal benches were very anxious about was, that they should be informed how the system worked. A short time after it was put in operation they would ask under what circumstances exchanges had been sanctioned, and for such information as they thought the House of Commons was entitled to ask for. For these reasons, he would support the Amendment of the Member for Bath.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 158; Noes 254: Majority 96.

Bill *reported*, without Amendment; to be read the third time upon *Thursday*.

THE MARQUESS OF HARTINGTON said, he was not aware that there would be any further discussion on the third reading; but he presumed the right hon. Gentleman would take it at an hour when, if necessary, discussion would be practicable.

MR. GATHORNE HARDY said, it would be placed second to the Artizans Dwellings Bill; but if there were any opposition, he would not bring it on at so late an hour that it could not be properly discussed.

FRIENDLY SOCIETIES BILL.

THE CHANCELLOR OF THE EXCHEQUER said, he would postpone the Order for going into Committee on this Bill to Monday, the 19th of April.

CONSOLIDATED FUND (£822,661 8s. 11d.) BILL.

THIRD READING.

Order for Third Reading read.

LORD EDMOND FITZMAURICE wished to explain how it happened that

Mr. Goschen

he was not acquainted with the fact when he put a Question on the subject to the First Lord of the Admiralty yesterday, that £12,000 had been voted as compensation to the owners of certain boats on the Coast of Africa engaged in the pearl fisheries, which were destroyed by Her Majesty's Ship *Thetis*. The item had been inserted not in the Navy Estimates, but in the Civil Service Estimates, where he should never have thought of looking for it, and the discussion on it came on very late on the night of the 10th instant when there were very few Members in the House.

MR. HUNT said, the Vote was placed in the Civil Service Estimates on the principle that the Department which administers a Vote should take the Vote on its Estimates.

MR. SHAW-LEFEVRE said, nobody could suppose that this Vote would have appeared on the Civil Service Estimates, as there was an item in the Navy Estimates for damage done by Her Majesty's vessels.

MR. W. H. SMITH pointed out, however, that in this particular case the Vote had to be administered not by the Admiralty, but by the Foreign Office.

Bill read the third time, and *passed*. [New Title.]

And it being now twenty minutes past Six of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

CURRENCY.

MOTION FOR AN ADDRESS.

MR. ANDERSON rose to call the attention of the House to the subject of the Currency; and to move—

"That an humble Address be presented to Her Majesty for the appointment of a Royal Commission to inquire into the operation of the Bank Acts of 1844 and 1845."

He remarked at the outset that after what had happened already that day, all he could hope for was an audience fit though few, and, therefore, he would confine his remarks as much as possible—

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

Mr. ANDERSON, proceeding, said, that when he was met by the somewhat ungracious interruption of the hon. Member for Scarborough, what he was saying was, that he was not going to make a long speech. He intended, moreover, as far as possible, to avoid figures and statistics, because it was too much the custom to overload speeches on such subjects with figures and statistics, in order, as he supposed, that the audience, if not convinced, might at least be confused. It was just two years since he brought forward this question, and he might briefly allude to what then took place, for it was possible a similar thing might occur now. He was met by that serried band of bankers which, without any formal alliance, performed all the functions of a trade union, and at once put down anything like an attack upon its monopoly. This was nothing new, and nothing they need not have expected. They remembered how the land interest had fought for the Corn Laws, the ship-owners for Navigation Laws, mine-owners against mine legislation, and they knew how officers were even now fighting for their privileges; but he had been of opinion that the House was accustomed to look with suspicion on men who were known to be battling for their own interests or privileges, and he hoped it would be so now. On that occasion, however, he was also opposed by the Gentleman who was then the Chancellor of the Exchequer, and was now the Member for London University (Mr. Lowe), and he regretted that the right hon. Gentleman was not in his place, as he intended to make some strictures upon him, and had sent him word to that effect. The right hon. Gentleman treated his (Mr. Anderson's) arguments and subject with a lofty scorn quite worthy of him, and said, in effect, that there was no reason at all for an inquiry; that the principles which regulated the currency were well known; that he understood them thoroughly; and that if the matter were left to him and the Government, they would bring in a Bill to set everything right, and make that admirable Bank Act more admirable still. They waited patiently, and at last they did get a Bill, and he never saw a Bill meet with such a shout of derision as that Bill was met with. The very newspapers which had patted

the Chancellor of the Exchequer on the back when he advocated the Bank Act, scoffed at the Bill. No one would have it. It proved that he either knew nothing about it, or that he had brought in the Bill to shelve a troublesome subject. The Bullionists would not have it, because it was founded on the theories which he (Mr. Anderson) had advocated. Those theories were, that when gold went out of the country, the trade of the country required the equivalent of that gold; that there should be an extra issue of paper money to correspond to it; that that extra issue should be based on Government security; and that the profits upon it should belong not to the Bank, but to the Exchequer. These formed the basis of the Bill. But although it was founded on correct principles, these were adopted in such a manner as to be utterly impracticable and unworkable, and it almost seemed as if this were done intentionally. The Bill, in fact, seemed framed as a mockery to that suffering trade it was intended to relieve. The first provision was, that there should be no relief till the discount rate had risen to 12 per cent, which was 2 per cent higher than it had ever been before, and therefore a worse panic than ever before. The next condition was that the existing note issues should have become "ineffective through panic." But in no panic had any note issues even been ineffective. Panics made notes more effective, and in our previous panics the difficulty as to notes had only been to get plenty of them, or, indeed, to get any at all; but even if bank notes did become ineffective in a panic, it was very difficult to see how a farther issue would make them more effective. He had heard it said that this part of the Bill meant not ineffective through panic, but scarcity of notes through hoarding; but he could not think that a man with such a command of language as the right hon. Gentleman, could have used words which expressed a meaning so very different from that which was in his mind. Much more likely was it that the condition was intended for nothing else than to delay the coming into operation of the Act until the Greek Kalends. The next condition was that the foreign exchanges should be favourable to this country, and as it was not said what foreign exchanges, it might

be supposed that all foreign exchanges were meant. But as soon as these foreign exchanges were favourable to this country, the panic was over, and so it was only after the disease had run its course, and the patient was on the fair way to recovery, that the State doctor was called in with his patent paper medicine, and took the credit of the cure, which would have been very well effected without his assistance. The next condition was that the profit should go to the Exchequer; but the mode in which this was proposed to be arranged for was just as impracticable as the rest. The Treasury was to get the 12 per cent, and it was to pay back to the Bank just 2 per cent for the trouble and risk of the discount. The result of this would have been that the bank managers would simply have declined to do business. They would have been manifest fools to do business on such terms. They would have acted in such a case just as they did in 1866. On that occasion they got a letter on the very terms provided for by the Bill, and instead of increasing their issue, and allaying the panic, they kept the letter carefully in their drawers, the result being that they were enabled to keep the rate at 10 per cent for a period of three months. A Bill for amending in such a way was either an insult to the understanding, or a mockery of the troubles of trade. The only glimmering of discretion that the right hon. Gentleman did show was in never venturing to bring the Bill up for discussion. Ultimately, the Bill bantling was exposed and deserted, and left to die of neglect. However, he (Mr. Anderson) met with other opposition. *The Times* was good enough to denounce him, and it admitted a letter signed "J. G. Hubbard," written, he believed, by a Gentleman who was now a Member of the House, and who he hoped was present to-night, for he believed he was considered a considerable authority in the City. That Gentleman commenced his letter by denouncing all currency reformers as people who wanted to eat their cake and have their cake, and he finished up a long letter by giving his own remedy, which was the issue of Exchequer notes. He now asked, passing over the respective merits of bank and Exchequer notes as regarded curing panics, where was the difference between them as regarded the eating

their cake and having their cake? To have been consistent, he ought to have insisted on the withdrawal of all notes, and the return to bullion pure and simple. That was the high Toryism of currency, which would make the currency the master of trade instead of its servant. He did not wish now to defend or advocate his own particular views. In some places they had been misunderstood, and in others they had been misrepresented; but he wished at present only to argue for inquiry, and the ignorance or haziness of idea which he had shown to exist on the part of a Chancellor of the Exchequer and other authorities he considered a strong reason for inquiry. He would give other reasons. There had been no inquiry since 1848, and yet there had been many events to call for an inquiry. The French had since then inquired into our system, and at the close, instead of adopting our system, they adopted a free system, by which they had been able to keep up their stock of gold when ours failed, and to keep down their discount rate when ours rose, and to avoid panics. Then, moreover, the French had come through the trouble of an exhaustive war and an enormous money fine, and they came through it, too, comparatively scatheless. Surely it was time we knew the reason for their doing this while we fall into a state of collapse if gold to even a hundredth part of the French fine left the country. That was a fact which ought to be enough to prove the necessity for inquiry; but, again, we had had the crisis of 1873 since then, and on that there was a great deal of difference of opinion. The bullionist party said we should have had a panic but for the Bank Act. The currency reformers said that but for the Bank Act they would have had no 9 per cent and no crisis. Our commerce was then sound, and our work plentiful, and the only cause of the crisis was that a foreign nation wanted to buy a little of our gold. £4,000,000 left the Bank, but £1,000,000 went to Scotland, another to the counties, and so only £2,000,000 left the country—the result of this being that money rose from 3 to 9 per cent in three weeks, and that every trade we had was threatened with collapse, and fell into a state of prostration, from which even now they had hardly recovered. But the country was

Mr. Anderson

not poorer. Even the bullionist *Times* admitted that. It said that if the foreigners had not given something more valuable, the gold would not have gone. Even if the money had been sunk in the sea, it was inconceivable that it could have produced such an effect in a healthy state of matters; but that there was no scarcity of capital was shown by the fact that within a month Russia came with a demand for a small loan of £8,000,000 or £10,000,000, and our bullionists offered them £80,000,000. Very soon the rate was down again at 2½ per cent—and why? Not because our high rate attracted gold—because little gold came to the country—but because the paralyzation of our whole trade made home capital no longer needed. The bullionist party said the 9 per cent was only the natural result of supply and demand. He denied that it was natural demand and supply, but in a forestalled market, and unless the country was prepared to say that credit trade was bad, and ought to be put down; it was very questionable policy to have money laws which enabled all the lenders to make a raid every now and then on all the borrowers, blackmail them, and strip them bare. It was not the mere 9 or 10 per cent discount rate that formed the plunder, but that in a crisis all sorts of property and merchandize and stocks, except gold, became immensely depreciated, and then owners of gold stepped in and bought everything at half value. There was another good reason for inquiry. It was that the American system of bank notes had been established since the last inquiry. They were called inconvertible notes, and it seemed to be thought that there was something discreditable in that. He was well aware there was a party who wanted to overthrow the National Bank system of America. Of that party he would say—

“O fortunatos nimium, si sua bona norint.”

They had the best currency in the world, and did not know it. It had one fault, one serious defect—it was rigidly inelastic, and instead of trying to cure that fault, they were going to throw the whole thing away, and return to specie payments and free banking, by which they meant the right to any one to issue notes. If America attempted to resume specie payments, he believed she would have the same troubles which befel this country between 1819 and 1825, and

she would only accomplish it at the expense of a crippled trade; and, on the other hand, if she adopted free issues, she would have mushroom banks and a bogus currency. They had other good reasons at home for inquiry, because a doubt had been raised as to whether the gold in the Issue Department of the Bank of England was absolutely held as against the issue of notes. The public always believed so, but the hon. Baronet (Sir John Lubbock) had greatly shaken this faith by saying that in the event of an extremity, the Bank of England would interfere with the gold in the Issue Department, and would be right to do so. Under these circumstances, it was time for the House to consider how far it was safe to leave the Issue Department of the Bank of England any longer under the control of the Bank's Directors. Another reason for inquiry was that they had a Committee of the House of Lords and a Committee of the House of Commons on the question of the Bank Act in 1848, and these two Committees came to absolutely opposite decisions, and no inquiry at all had been held since 1857. There was yet another reason for inquiry. Germany had lately changed her standard from silver to gold, and this had done this country great injury, and was calculated to do still more in the future. The loose ideas which prevailed in many quarters on this subject was also an additional cause for the inquiry he asked. Bullionists said the Bank Act was merely intended to secure the convertibility of the bank note, and that it had succeeded. Now, that was only a secondary object of the Bank Act; but they ignored all the principal objects which had ignominiously failed, and they paraded convertibility as a success; but he denied that the Bank Act insured the convertibility of the bank note; that convertibility had only been secured on three occasions by setting the Act aside. It would therefore be far fairer to say that the Bank Act put the convertibility of the bank note into hazard. Even admitting that it did secure its convertibility, he contended that they paid a great deal too much for it. They might pay too much for a good thing, and it was paying too much to secure the convertibility of the bank note only by destroying the convertibility of everything else in the country. On occasions of panic our

commerce collapsed, our mills were stopped, ships rotted in the docks, and our workpeople starved, and all for what? Why, merely that they might avoid a depreciation of 5 or 6 per cent in the paper currency. People did not seem to understand what the convertibility was, for which they had to suffer such sacrifices. It was not a question of good or bad notes; it was a question between notes instantly convertible and notes ultimately convertible. In conclusion, he urged upon the Government the necessity of having a full and proper inquiry. Do not let them have the miserable thing they had two years ago. The country wanted to know whether there was not something unsound in a system of currency which contracted when more was needed, and expanded when less was required. The country wanted to know why France had refused to adopt our system, and had, in fact, adopted an opposite one. He asked for a Royal Commission because he had not confidence in a Committee of this House on such a subject. The difficulty was to find a Committee the Members of which had not formed some opinion on the subject. A Royal Commission would be much more likely to be independent, and therefore to arrive at a sound judgment.

MR. MORLEY, in seconding the Motion, said, he should have been deterred from doing so if the object of the hon. Member had been to aid any particular crotchet or urge any impracticable theory upon the House in connection with this subject. The ground upon which he (Mr. Morley) ventured to press upon the Chancellor of the Exchequer to yield to the suggestion conveyed in this proposal was, that the trading classes of this country were exposed constantly to fluctuations which were destructive to small traders. Some hon. Members had heard with great pleasure the announcement of the Chancellor of the Exchequer, that he proposed to refer the Bill intended to prevent the Scotch banks from coming into London to a Committee for consideration. He was persuaded that he was expressing a very general feeling in the City, when he said that there would be a feeling of relief if the Scotch banks were to come into London. The Scotch were confessedly the best bankers in the world. We needed more banking accommodation, and a substan-

tial addition to the existing accommodation would be secured by the establishment, legally and absolutely, of the Scotch banks in London. The traders, in making this appeal to the House, were not asking for any pecuniary help. Trade was never more thoroughly sound or more based on capital, than it was now. The most intelligent part of the trading class believed that there was more danger in low rates of money than in high rates. The Bank of England, being a joint-stock bank, having to provide dividends twice a-year, frequently competed with Lombard Street for the discounting of bills, when, in the interests of trade, they ought to keep the rate high rather than low. He justified the competition as a matter of trade, but deplored its mischievous tendency. The solution of one great difficulty in that matter would be, that they should have a really national establishment for the issue of their notes and circulation. There was no subject more worthy of the attention of the Chancellor of the Exchequer than that. They were not raising the question of the Act of 1844, or pushing any extreme view; but he could state, as the result of many years of trading experience in the City of London, that a large number of small traders were needlessly and periodically ruined from causes beyond their own control, and were driven out of existence by a pressure which was so excessive. What they wanted was steadiness in the rate of discount. Gold, no doubt, like every other commodity, would find its level, but no commodity varied so constantly and largely in price. On September 17, 1873, the Bank Rate was 3 per cent. On November 12, or less than two months afterwards, it was 9 per cent. It was easy to see how such violent fluctuations must affect trading operations, which often took six or nine months for their accomplishment. When they approached a period of panic, the Bank of England was impotent to help them. In 1857, the Bank was reduced to such a condition, that unless the letter of the Government had been issued, it could not possibly have paid its notes. The Minister would have deserved impeachment if he had refused to issue that letter under the circumstances. No other country in the world had been subjected as this was to those tremendous panics, and as a commercial

Mr. Anderson

nation we had been made the laughing-stock in every money-market of Europe. The Chancellor of the Exchequer would confer a boon on the trading class if he acceded to the present proposal.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the operation of the Bank Acts of 1844 and 1845."—(*Mr. Anderson.*)

SIR JOSEPH M'KENNA said, he thought the necessity for that Motion was removed by the Notice that a Committee of that House would be moved for to-morrow. Such a Committee could better perform the duties that would devolve on it than a Royal Commission. The theory of financial panics was referrible to the state of our foreign exchanges; while the state of the exchanges was favourable to this country, no difficulty was experienced; but when the balance of trade turned against us, our margin of specie rapidly ran away, and a panic became imminent, if we kept our engagements to pay all our obligations in sterling, or in money that was convertible. The fear that we might not have in the country sufficient coin to balance our foreign exchanges was, in fact, the cause of panics; but did the hon. Member for Glasgow (*Mr. Anderson*) mean that we were to have money which was inconvertible? If such a principle were affirmed by the House, it would give the greatest possible shock to the trade of the world. The precious metals were the recognized medium of commerce all over the world, and we required specie to meet our obligations to other countries when the balance of trade was against us. When the balance of trade was in our favour, we paid other countries with their own bills. The Bank Acts of 1844 and 1845 were intended to make certain institutions keep margins of money in hand; and he could not see how trade and commerce, with the great expansion they had undergone since those years, could be carried on at all, unless they had provision made that some capitalists should hold money in hand of such a nature as would enable us to discharge our debts abroad as well as at home.

MR. J. W. BARCLAY said, interest was the price which was paid for the use of capital, and according to experi-

ence and theory, the rate of interest should depend upon the supply of capital. The loanable capital of this country was a very extraordinary sum, the deposits alone had been estimated at £600,000,000 sterling. Surely it was a very great anomaly that the withdrawal of £3,000,000 or £4,000,000 out of this £600,000,000 should so affect the price of the whole as to double the rate of interest. Recently, at a meeting of the Associated Chambers of Commerce, the feeling was strongly expressed that there ought to be an inquiry into the anomaly, by which the withdrawal of so small a quantity of gold could have such an effect upon the whole of the loanable capital of the country. So far as appeared, the panic of 1873, which raised the rate of discount from 3 to 9 per cent, might have been obviated by an increase in the stock of gold held by the Bank of England. If the Bank had had a few millions more in its coffers, there would have been no need for alarm. The question for the country was, how was it possible to increase this store of gold, so that the withdrawal of £3,000,000 or £4,000,000 might not be regarded with apprehension? If the note issue of the country, instead of being in the hands of 188 banks, were concentrated into one general bank of issue, the quantity of gold which would be required to be kept in store would be very much less than when scattered over the 188 banks. They had been told that the provisions of the Bank Act had ensured the convertibility of the notes since 1845, and it had been denied that the bank notes were ever in jeopardy. If that was the case, why had the Bank Act been suspended? The time had now come when this question of a national note issue ought to be fairly and clearly considered by the country. They were beginning to more and more understand what was the real value and service which a bank note performed; and practically, so far as currency or circulation was concerned, there was no difference whatever between a bank note and a sovereign. For all purposes of circulation, the one was really as good as the other, and the necessity for convertibility was only in order to insure that an undue amount of paper money was not put into circulation at once. The experience of the last 30

years showed what had been the fluctuation of the currency from time to time, and what amount of gold or specie was necessary to maintain the convertibility. Looking over the expansion and contraction of the circulation of the whole country since 1845, so far as he had been able to discover, the greatest contraction which took place within a space of six months did not exceed £4,000,000 sterling. It therefore appeared, if the notes had been issued from a national Department, and if that Department had maintained in its coffers 5,000,000 of sovereigns, it could have insured the convertibility of the notes without its being necessary to realize any of the securities whatever. They ought to recognize that banking and the issue of notes should be separate, and that both could be better conducted when separate. What occurred to him as the simple remedy, not only for the circulation, but also for securing an additional store of gold in the coffers of the Bank of England, was to establish by Act of Parliament a separate Department of issue corresponding to the Mint Department, whose duty it should be to supply paper to the country in exchange for gold. The rules under which the Department was conducted could be made as stringent as those of the Mint. It would be the duty of this department to issue notes to all persons who wanted them for gold, and the law should settle what amount of gold the Department should hold for the convertibility of notes. There was a strong feeling in the country that the time had arrived when an inquiry ought to be made into our financial system, and that if the present anomalous state of things went on, great danger to our commercial prosperity was likely to arise. He, therefore, trusted that the right hon. Gentleman would consent to the appointment of the proposed Royal Commission.

MR. J. G. HUBBARD agreed with the hon. Member for Glasgow that it was desirable, in the interest of trade and of the community, that the Bank rate of interest should fluctuate as little as possible, because commercial operations were carried on with more certainty when the rate of interest was steady. He was afraid, however, that the fluctuations in the rate of interest were beyond the control of any human being or

of any Government, however great its power might be. He must demur to the assumption by the hon. Member for Glasgow and the hon. Member for Bristol (Mr. Morley) that trade had suffered to any great extent in consequence of those fluctuations. The House would recollect that those fluctuations had never lasted long, and that it was only for a short period during which the temporary pressure lasted that an exceptionally high rate of interest was demanded. The high rate of interest which the merchant had to pay occasionally for the money he borrowed was as nothing compared with the fluctuations in prices which were continually recurring from week to week, and from month to month. He affirmed that scarcely a house of position or of importance had failed during a commercial crisis, in consequence of its being unable to obtain the accommodation it required, provided it had good security to offer. Where the variations in the rate of interest were destructive was in cases where men had undertaken operations of an extended character at a time when the rate of interest was exceptionally low, and because neither their capital nor their credit was commensurate with their trade. The moral to be drawn from these facts was that people with little or no capital should limit their transactions accordingly, and he ventured to assert that in no case had a man failed owing to a high rate of interest who would not in all probability have failed if the rate of interest had remained stationary. In to-day's paper there was a most remarkable illustration of his argument. It was that of a house which had failed for several millions, at a time when the rate of interest was only $3\frac{1}{2}$ per cent, its failure having been occasioned by its engagements being infinitely beyond its capital and its deserved credit. He was ignorant of the fact that had been stated by the hon. Member for Bristol, that the Bank of England competed with other banks and discount brokers for bills, nor was it the business of the Bank of England to do so. Receiving as it did the surplus deposits of bankers and traders, it was bound to hold them with a degree of reticence that would not apply to any other bank. The hon. Member had expressed his surprise that with the enormous loan capital of this

Mr. J. W. Barclay

country the loss of two or three millions of gold should so largely affect the rate of interest; but he should not forget that the bulk of our loan capital was already out on loan, and that it was merely the small portion of it which was available for lending which was affected by the loss of the gold. The reason why this country was more subject to panics than France was because here credit was pushed and strained to its utmost degree; whereas such was not the case among our neighbours, who traded upon capital rather than upon credit. It was the knowledge of the immense operations carried through by the French and German Governments with reference to the engagements and payment of the indemnity to Germany, quite as much as the actual abstraction of gold, which necessitated some 12 months back the stringent action of the Bank of England. One feature very seldom noticed by those who criticize the Bank of England was that the Bank was not only agent of the Government in the management of the issue department, but was also a joint-stock bank, with banking business of its own. But where was the private or joint-stock bank which published its accounts from week to week? The Bank carried on business in a house of glass; everybody might see what it did. It not only published accounts of the issue department, but it published its private banking accounts. The Bank did not wish to escape criticism; but it was an unheard-of proceeding for any bank to publish from week to week an account of its reserve and deposits. Very few banks in the country could carry on business if they were subject to such an ordeal. The hon. Member for Glasgow not only brought his Bill of Indictment against the Act of 1844, but also against certain writers in *The Times* who defended it. The principle on which that Act proceeded was that all issues beyond £15,000,000 must be based on gold—that when gold was carried away notes should be cancelled and the currency diminished *pro tanto*. The hon. Member for Glasgow said that was a very antiquated and mischievous policy—he held that when gold went away they should put something in its place, and that something was paper money. But where were they to stop in that process of substitution? The whole

essence of the Bill of 1844 was this—at £15,000,000 they must stand. The hon. Member for Glasgow said the amount of paper issues was too small; but his argument, as a writer in *The Times* expressed it, amounted to this—it was trying to have your cake and eat your cake. They had not lent their gold for nothing. They got something for the gold that had been taken away. They had value received in corn, wine, cotton, foreign securities. But the hon. Member for Glasgow was not satisfied with the value received for the gold we parted with; he wished as fast as it left us to occupy its place with paper; but if they went on in this way as they had done in other countries, the convertibility of the Bank note would be lost, the value of all property would be shaken, and instead of the stability of appreciation which this country had enjoyed for so many years, they would be reduced to that deplorable state to which many Continental countries had been driven, by the unlimited issue of paper money. That was the state of things which would inevitably follow from the substitution of paper money desired by the hon. Member for Glasgow. There was a very great distinction between the issue proposed by the hon. Member for Glasgow and that proposed by the late Chancellor of the Exchequer. The hon. Member proposed to fill up with paper any gap caused by the withdrawal of gold; but the proposal of the late Chancellor of the Exchequer was the new creation of a circulating medium, for the purpose of being used at a period when our credit was internally shaken and was no longer available, and bills of exchange would no longer circulate, so that it became expedient for the Government to supply a greater amount of circulating medium for the purpose of settling the transactions of the country. He did not conceive that the operation proposed by the late Chancellor of the Exchequer could at all be an admission that the Bank Act of 1844 had broken down. On the contrary, it showed how safe in the estimation of the Government that Act must have been before they could venture to load it with the additional temporary responsibility which they proposed. His own opinion with regard to the measure of the late Chancellor of the Exchequer was that the whole question had better be left alone.

He did not wish to see any such remedy provided by anticipation; but if it had been provided, it would require all those safeguards by which the right hon. Gentleman's proposal was environed. With regard to the proposition of the hon. Member for Glasgow, he could not see that it was called for; and if the hon. Member would read the Reports of the inquiries which had already taken place, he would obtain an insight into the principle of the Bank Acts and the Bank of England—namely, that of limitation of credit—which would satisfy him that no further inquiry was necessary.

SIR ANDREW LUSK said, he thought the hon. Member for Glasgow (Mr. Anderson) was deserving of credit for having called the attention of the House to this subject, which was one that related to the currency of the country, and, at the same time, included the question of issue by Scotch banks, and such English banks as possessed the privilege. There was no need to go into all the deeper quagmires of bank notes and such things, which no man could understand in this world or he believed in the next. There was no subject which he would rather not discuss with a man than banking matters. As far as his experience of money matters went—and he had had some experience—they were very much the same as other commercial transactions. A banking company was simply a commercial firm, established for the purpose of making money, and if we gave them the privilege of issuing notes, that was our fault, not theirs. He agreed with the right hon. Gentleman who spoke last. He had scarcely ever seen a house in the City of London which failed that did not deserve to do so. They came down because they trusted to credit, and the consequence was as we saw. He did not understand why the Government of this country should support any fictitious system of credit. He believed, however, that the Chancellor of the Exchequer would do well to grant the Commission which the hon. Member for Glasgow desired, for then people would be led to look into this affair of banking and currency. There was something in what the hon. Member had said. Things had changed a good deal since the sensible measure of Sir Robert Peel was passed; and he could wish that the Government of the day would ap-

preciate the circumstances of the times as well as Sir Robert Peel had done. Sir Robert Peel had gone as far as any reasonable or intelligent man could go in his day, and there he stopped. Now, he would like to ask the right hon. Gentleman—who was an intelligent man also—why, if it was not desirable to appoint the Commission proposed by the hon. Member for Glasgow, he should not look into these matters himself, and see whether they could not be put into a better condition. The liabilities and money matters of the country were different from what they were in Sir Robert Peel's time, for the average of money that passed through the clearing house in a week was now about £100,000,000. It would be impossible to say what would happen if those who owned the money were to call it in. One thing was certain the time was come when, considering the riches of England, we ought to put an end to all private banks of issue. We ought to put all men on an equality and do away with all monopolies and privileges. It was an hallucination to think that bits of paper were money. When people wanted our gold and took it away from us, all we had to do was to give a higher price for it, and we should get all we wanted just as we should get corn, tea, or any other article. He hoped the time was coming when things would be allowed to take their natural course, and then men would not trade so much upon bank notes and regulations of currency which they misunderstood. He wished to see an end put to a system under which men stood upon crutches, when they might better stand upon their own feet.

SIR JOHN LUBBOCK said, he had heard nothing during the discussion to shake his conviction that the panics of 1848, 1857, and 1866, were not due so much to the provisions of the Act of 1844 as to the fact that the operation of that Act had been completely misunderstood. It was, on the other hand, through the effect of that Act that the store of gold was maintained which ultimately brought us through those panics. The hon. Member for Glasgow (Mr. Anderson) spoke of bankers enjoying a monopoly and special privileges from the State; but out of more than 100 banks in London only four or five enjoyed any privilege from the State, and he was at a loss to see the alleged monopoly. The hon. Member said that with a paper currency when

Mr. J. G. Hubbard

gold went out of the country it would be replaced by paper; but the only effect of that would be that more gold would continue to go out of the country, and at last they would have an entirely paper currency, a result which no one desired. The hon. Member for Glasgow had criticized the policy of the Bank of England. Well, there might be differences of opinion as to that policy. But the general opinion of the commercial community was, he thought, upon the whole, that the management of the Bank of England had on the whole been conducted with caution and prudence. The hon. Member for Glasgow had referred to the American system with great praise, and to the fact that in this country the rate of interest had gone as high as 9 per cent. But did the hon. Member know that in America the rate rose not to 9, but to 90 per cent, and even more? Again, the hon. Member had asserted that American notes had never been discredited; in this the hon. Member was entirely mistaken, and he entirely overlooked the panic through which America had passed within the last few months, and from the effects of which American trade and commerce had scarcely yet recovered? The hon. Gentleman, indeed, admitted that the American system had one fault—that it was not elastic. That was the greatest fault that a currency could have, and it was the elasticity of our system which accommodated it to transactions involving more than £6,000,000,000 per annum. He had great difficulty in understanding what was meant by a system of notes which would be ultimately convertible. If notes were payable at certain periods only, they became bills of exchange, and would have a different value according to the time they had to run, and therefore they would not be adapted for the purposes of currency. His hon. Friend the Member for Bristol (Mr. Morley) stated that the present system had led to a large number of failures. Now, he must say he entirely concurred with his right hon. Friend the Member for the City of London (Mr. J. G. Hubbard) and his hon. Friend the Member for Finsbury (Sir Andrew Lusk) that there had been few failures indeed which could fairly be traced or attributed to our system of currency. After all, what was the difference in the fluctuation of the rates? The rate of interest had

reached 9 per cent, as had been stated, and within three weeks had fallen as low as 2½ per cent, and the result, said the hon. Member for Glasgow, had been to strip traders bare. He thought, indeed, that if the rate had been raised a little sooner it need not have been carried nearly so high; but, after all, they must look at the average. Now, what had the average rates been upon three months' bills? In 1868 it was £2 2s. per cent, in 1869 £3 4s., in 1870 £3 2s., in 1871 £2 18s., and for the last two years the average was, he believed, about 4 per cent. That being the case, he could not but think that in that respect there was very little to complain of. The hon. Member for Glasgow said that to avoid the evils of which he spoke there should be a paper currency which would vary 5 or 10 per cent in value. But what did that mean? It meant that every person who had an income of £1,000 a-year, should submit to a fluctuation of, perhaps, £200 a-year, without knowing whether his income would be decreased or increased to that amount. Such fluctuations would be most inconvenient, and would strike at the very root of our commercial prosperity; and although there were questions connected with the subject which might well be considered, he could not help thinking that the present system was not open to the accusations which had been brought against it by the hon. Member for Glasgow.

MR. HANKEY remarked that almost all the speeches which had been delivered, save, perhaps, that of his right hon. Friend the Member for the City of London (Mr. J. G. Hubbard) and the hon. Baronet the Member for Maidstone (Sir John Lubbock) had reference to the subject of banking, and not to the subject of currency. Now, what was currency? Popularly understood, the word simply meant ready money—that which everybody wanted as the substitute of barter. Messrs. Baring and Rothschild might negotiate a loan of £30,000,000, and yet there might not be a sovereign passed in the transaction. It was the duty of the Government to coin money sufficient for the daily use of the people, but there the functions of the Government were at an end. But the great requirements of the country had nothing to do with currency. The power of obtaining that which was understood as

currency was only limited by the means at the command of the individual—it was itself practically unlimited. There must, however, be some sacrifice made to obtain it, for if they could get on without gold and silver they would be so much the richer, as they would not be deprived of the use of them for other purposes. He frankly admitted that the railroad interest alone, which was now tenfold greater than it was some years ago, demanded an enormous amount of increased currency; but that had nothing to do with the Act of 1844, or with banking. Sir Robert Peel in framing that Act by which the convertibility of bank notes should always be secured, left the Bank of England and every other bank to act as free as possible; the only tie was with regard to the issue of paper money. As to that he refused to allow any new bank to issue paper money. The right hon. Gentleman the Member for the City of London had entered so fully into the question about the Bank of England that he (Mr. Hankey) would not trouble the House with any remarks upon it.

MR. C. PALMER said, that the time had now arrived when this question of the Bank Charter Act ought to form the subject of investigation. It was said that no result would follow from such an investigation; but he thought the time for it was opportune, and that such a step would, at all events, have the beneficial result of at least satisfying the minds of the trading community. In countries that were not trammelled by a Bank Act the rate of interest was even; whereas in this country it was subject to sudden fluctuations. That subject itself deserved investigation.

MR. MUNDELLA reminded the right hon. Gentleman the Chancellor of the Exchequer that he gave Notice he would to-morrow move for a Select Committee to inquire into the question of issue, and he would suggest to him to include in that inquiry the operation of the Bank Acts of 1844 and 1845. He contended that the inquiry should be conducted not by a Select Committee, but by a Royal Commission, the Members of which could be chosen from the widest field and not merely from the House of Commons.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed with the hon. Gentleman who had just sat down that

Mr. Hankey

a Select Committee of that House was not likely to set at rest some of the questions which had been touched upon that night, and which were more largely discussed in other quarters in this country; but he must go a little further than the hon. Gentleman, and say that, in his belief, neither would a Royal Commission settle those questions. A short time ago a deputation from the Associated Chambers of Commerce waited upon him and requested him to lay before the Government a proposal for the appointment of a Royal Commission to discuss those various questions upon which there was so much difference of opinion and set them at rest; but when he asked those gentlemen what their views were on different points which had been raised he found there was considerable difference of opinion among them, but that they had very wisely, for the purpose of getting a Commission appointed, resolved to put their differences of opinion behind a veil and to express no opinion on many of those critical questions. They alleged that the Government should appoint a Royal Commission for the purpose of showing who was right and who was wrong. He did not know whether any being in this world or in another world could select a Commission that would satisfy everybody when they pronounced against their opinions. He was quite certain that if it were the unfortunate position of a fallible body of men like the present Government, or any Government, to have to make such a selection they would find the task an exceedingly difficult one; because they must do one of two things—they must either select a Commission which would be composed of men who were all of one colour of opinion, in which case it would be said, "Oh! this appointing of a Commission is a mere mockery," or else they would have to appoint a Commission which would contain eminent men whose views would be equally well known, but whose opinions would differ from each other. The result of such a Commission would simply be to leave matters where they stood before. There would be the usual difference of opinion, and nobody would be satisfied. Therefore, he felt that they would be doing very little good, and probably a great deal of harm, by appointing a Commission of a roving character to ascertain whether we had

exactly the right sort of currency system, and, if not, how we were to get it. An hon. Gentleman had said—"After all, what would be the harm of having a Commission? at the worst there would only be a little time wasted in investigation." Well, in his opinion the appointment of a Commission would have a wider result than that. It would create a false impression; and, as a great deal of the mischief which everybody now complained of was the result of a false impression, it was necessary to be particularly careful in this matter. The false impression which he ventured to think lay at the root of so much evil consisted in regarding the questions of credit and currency as one, instead of regarding them as perfectly distinct. In his belief, the evils attributed to our system of currency arose mainly from an over-straining of credit. There were, no doubt, some points of friction in the system of currency itself, and he should be prepared to-morrow to show the desirableness of practically considering those evils with a view to their mitigation. But that was a very different question from entering into the large inquiry now proposed. The Government felt that if they consented to the appointment of the Commission they would be betraying their own conviction and be seeming to throw doubt upon the general soundness of the Act of 1844. Several serious occurrences had taken place since the Act of 1844, but those troubles had arisen from causes which had nothing to do with the Act of 1844 or the question of currency. They had their origin in the fact that we were carrying on an enormous and unprecedentedly large system of commerce and trade; we were the centre of the monetary transactions of the greater part of the world; we were carrying on business which required not only a large amount of fixed capital, but a large amount of disengaged and floating capital. Now, the more we could utilize our system of credit, which stood towards currency very much in the same relation as currency stood towards barter, the less loanable capital we required, and we had learnt to carry on our transactions with a much smaller amount of currency than would have been possible without the system of credit. The great increase in the amount of our transactions was in itself a proof that the Act of 1844

had not been of a character to restrain the development of the industry and energy of the country. What he wished to point out, however, was that since we had chosen to give a great expansion to our commercial and mercantile enterprises by means of a large amount of credit based on a small amount of loanable capital, the withdrawal of capital affected our financial system in a proportionately high degree. The hon. Member for Glasgow (Mr. Anderson) thought it very strange that when we wanted more money we had less, and that when we wanted less we had more. But the matter was very easily explained. When a gentleman spent a good deal, his banker's balance fell, and when he spent little, his banker's balance got up. He would not detain the House after all the discussion that had taken place; he would only express a hope that the hon. Gentleman would not feel it necessary to divide the House on the Motion as he did not think any good would result from it. He (the Chancellor of the Exchequer) objected to a Royal Commission because it would be very difficult to constitute it satisfactorily, and also because if they succeeded in doing so they would raise false notions which had much better not be raised.

Mr. SAMPSON LLOYD said, the Associated Chambers of Commerce had no difference of opinion as to the advisability of having an inquiry into this subject, and he believed that this inquiry might be made more easily by a Royal Commission than in any other way.

Mr. ANDERSON maintained that the inquiry on the minor question, which was to come up to-morrow, would in no way meet the end he had in view. He felt obliged to press his Motion.

Question put.

The House divided:—Ayes 47; Noes 133: Majority 86.

NEW FOREST—DEER REMOVAL ACT, 1851.

MOTION FOR A SELECT COMMITTEE.

LORD HENRY SCOTT rose to call attention to the present condition of the New Forest, particularly in respect to the operation of "The Deer Removal Act, 1851," and to move—

"That a Select Committee be appointed 'to inquire into and report upon the present condition of affairs in the New Forest, into the operation of 'The Deer Removal Act, 1851,' and particularly into the exercise and effect of the powers of inclosure given by that Act to Her Majesty's Commissioners of Woods and Forests.'"

The noble Lord said, the effect of the operation of the Act of 1851 had been that nearly all the best land in the Forest had been enclosed; that very little would remain for the exercise of the rights of the commoners; and that the privileges of the public were seriously interfered with. Unless either the Government or the House interposed, all the rights of the commoners would be taken away, and the privileges of the public sacrificed. Before any fresh legislation on the subject was attempted, it was desirable that information upon it in all its bearings should be obtained by means of a Select Committee. The value of the rights of the commoners had never yet been ascertained, and justice required that their case should be inquired into. It was most important that the right of free user enjoyed by the public in the Forest should be preserved; and he might remark in connection with that point, that there was now awakening in the country a public feeling in respect to the inclosure of open spaces, of which they had a striking example in the case of Epping Forest.

MR. COWPER-TEMPLE considered that ample grounds existed for the appointment of the Committee, and he hoped the Government would assent to the proposal. The policy under which the Act was administered tended to the destruction of the beauty and enjoyment of that great national place of recreation which could never be replaced.

MR. W. H. SMITH said, that he had no objection to the appointment of the Committee. The position of matters in regard to the New Forest was certainly not satisfactory.

Motion agreed to.

Select Committee appointed, "to inquire into and report upon the present condition of affairs in the New Forest, into the operation of 'The Deer Removal Act, 1851,' and particularly into the exercise and effect of the powers of inclosure given by that Act."—(*Lord Henry Scott.*)

And, on April 22, Committee nominated as follows:—LORD HENRY SCOTT, MR. COWPER-TEMPLE, MR. WILLIAM HENRY SMITH, SIR WILLIAM HARCOURT, EARL PERCY, SIR CHARLES

Lord Henry Scott

DILKE, MR. LOPES, COLONEL KINGSCOTE, LORD ESLINGTON, MR. ALEXANDER BROWN, MR. JOHN STUART HARDY, MR. RYDER, MR. ERNEST NOEL, MR. EDWARD STANHOPE, and MR. BIDDULPH:—Power to send for persons, papers, and records; Five to be the quorum.

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.—[BILL 38.]

(*Mr. Boord, Sir Charles Mills, Mr. Coope, Mr. Gordon.*)

SECOND READING.

Order for Second Reading read.

MR. BOORD, in rising to move that the Bill be now read a second time, said: The object of this Bill is to remedy an anomaly in the rating of certain property within the metropolitan area, which has arisen apparently from an oversight in framing the Metropolis Local Management Act of 1855. In the outskirts of the metropolis, within the jurisdiction of the Metropolitan Board of Works, there is still a large quantity of land unbuilt upon—occupied chiefly as pasturage or market gardens—representing altogether an annual value of about £88,000, which, although fully rated to the poor rate, is entitled, under the Act of 1855, to an abatement of 75 per cent on the sewers rate levied by the Metropolitan Board of Works—or, in other words, the sewers rate can only be levied on one-fourth of the annual value of such property. There are, also, in the same area tithes of the annual value of £25,000 wholly exempt, and £1,000 partially exempt, besides railways, water companies, and cemeteries claiming total or partial exemption under the same Act; and yet the Metropolitan Board, disregarding all exemptions, issues its precepts in full to the local authorities, who are consequently compelled to increase the rating on house property in their several districts in order to make up the deficiency arising from these exemptions, which they on their part are bound to respect. More than one-half of the metropolitan parishes have no exempt property, and therefore have nothing to complain of; but, in the remainder, occupiers of house property suffer in proportion to the greater or less amount of land contained within the boundaries of their respective parishes, and it unfortunately happens that the grievance is greatest where the rates are higher and the householders poorer than in other parts. I will take one example from many, and

I select it from my own constituency, because I am better acquainted with the circumstances there than I am with those in other parts. In Plumstead, a parish populated almost entirely by the workmen and others employed in the Royal Arsenal, and where the rates are, or were last year, 8s. in the pound, there is land of the annual value of £18,617 and tithes £2,690, out of a total rateable value of £254,000. The effect of the exemptions in this case is that the Local Board is obliged to levy increased rates on these poor householders in order to make up the deficiency caused by the exemptions enjoyed by land and tithes, and which are not regarded by the Metropolitan Board of Works, but must be by the local authorities. Now, having stated the nature of the grievance, I will first briefly explain how it arose, and then proceed to the remedy. When the Metropolitan Board of Works was formed under the Local Management Act of 1855, the boundaries of the metropolitan district were so defined for the purposes of that Act, as to include large tracts of land still unbuilt upon in order to anticipate the extension of the metropolis, and so avoid the constant necessity of re-adjustment which would otherwise have arisen. The basis of assessment to the metropolitan rate was made the same as the poor rate; but an abatement of 75 per cent was allowed on land to avoid the opposition that would certainly have been made to so extended a boundary by the occupiers, had it been proposed to charge them with the full amount of a rate raised for purposes from which they could derive little or no benefit. It appears, therefore, that these abatements were the consideration in return for which the Metropolitan Board were to secure a sufficiently extended boundary for their purpose; and now, having obtained all they require, they leave the suburban ratepayers to pay the cost, the result being that a householder living in these outlying districts—who, in the majority of cases, is a poor man—has actually to pay more in proportion towards metropolitan improvements, the benefits of which hardly reach his remote neighbourhood, than a rich inhabitant of a central district where there is no exempted property. The remedy proposed in this Bill appears to me to be of the simplest possible description; it consists merely in enabling the Metropolitan

Board of Works to take cognizance of the exemptions provided for in their Act of 1855. That the omission of this power in the first instance was an oversight I am convinced, and I cannot imagine any valid reason for the opposition with which the Board have thought proper to meet my proposal. There is certainly another method of redress—namely, to repeal these exemptions altogether. [Sir JAMES HOGG: Hear, hear!] The hon. and gallant Gentleman says “Hear, hear;” but what will the occupiers of the land say if he proposes to break faith with them in that manner? As I have already pointed out, these abatements formed the basis of a distinct contract between the occupiers of land and the Metropolitan Board of Works, whereby the latter obtained a sufficiently extended boundary for their purpose, and now the hon. and gallant Gentleman would break faith with them! This is certainly out of the question. When this Bill was introduced last year its principle, so far from being questioned, was admitted; but it was objected that no machinery was provided by which its purpose could be effected, and it was said that such machinery should be that of the Valuation (Metropolis) Act, 1869. This objection has been met in the present Bill by the addition of three clauses, whereby the valuation lists may be made to show the extent of exemption claimed in respect of any property included in them, and by the last clause, the power of appeal is extended to the additional items in case of incorrectness. The Bill is based on the broad principle of justice to the poorer class of ratepayers who reside for the most part in the outskirts of the metropolis. It will not harm their richer neighbours, but will remedy a grievance which has been repeatedly pointed out to the Metropolitan Board of Works, and should long ago have been redressed at their instance; therefore, I have no hesitation in calling on hon. Gentlemen on both sides of the House to support the second reading, which I now beg to move.

Motion made, and Question proposed,
“That the Bill be now read a second time.—(*Mr. Board.*)

SIR JAMES HOGG stated that he was quite prepared to admit that the Bill introduced by the hon. Member showed a somewhat anomalous state of

things, and that there was a certain amount of inequality in the incidence of the taxation. The Metropolitan Board were fully alive to this, and had passed a resolution on the subject when the hon. Member's Bill was before the House last Session. The Board concurred in the opinion that some redress was needed for the state of things complained of, and decided on the advisability of remedying the inequality which led to the introduction of the Bill. But while agreeing with the hon. Member so far, the Board could by no means concur in the means which it was desired to adopt for securing the ends in view. Their view was rather that the occupiers of land should be placed on the same footing as occupiers or owners of houses. It appeared to the Board that there was no reason for this immunity of land. Its owners derived various advantages from its nearness to London, and which, as regarded the sewer rate of the district, it might be fair that it should be assessed at only one-fourth of its value; this did not apply to the rate of the Metropolitan Board, of which a large part was not for sewers, but for street and other improvements, parks and open spaces, protection from fire, and municipal administration generally. If the Bill of the hon. Member passed, the deficiency in the rates would have to be made up from other districts of the metropolis. For instance, take the case of Plumstead. Assuming that the Board made a rate of £10,000 on the district, of which, say, four-fifths was house property and half land, the local authority would raise £9,500 of this sum from the owners of property, and on account of the exemption £500 only from the owners of land. The Bill, in effect, asked Parliament to enact that the precept of the Board should be reduced from £10,000 to £8,500, by which means £1,500 would have to be raised on the other districts of the metropolis. The whole rateable value of the metropolis was £20,644,000, while that of arable land was less than £90,000, and it appeared to the Board that the simplest plan would be to remove the exemption altogether. This was their intention in their resolution passed in July last year, when they expressed a determination to endeavour to obtain a remedy in the event of a Bill for amending their Loans Act being introduced. As affairs stood at present,

Sir James Hogg

the Board were bound to adopt the county rate in making their assessments, putting land at its full value and calling upon the local authority for its rateable proportion of the Board's expenses, although the local authority could only raise from the owners of such land one-fourth of the amount which, if the land were assessed at its full value, would be payable in respect of it, and the remaining three-fourths had to be made up by laying a higher rate on the owners or occupiers of houses in the district. The hon. Member had alluded to the Act of 1855; but, as a matter of fact, the Board had nothing to do with the passing of that Act, not being in existence at the time. They could not, therefore, have entered into any compact of the nature alluded to by the hon. Member. In conclusion, he (Sir James Hogg) must repeat, that while the Board admitted the anomaly and would be glad to see it removed, they were not prepared to endorse the proposal contained in the Bill introduced by the hon. Member, and he therefore moved that it be read this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir James Hogg.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. SCLATER-BOOTH said, that there was some force in the objections raised by the hon. and gallant Gentleman; but, on the whole, he thought the hon. Member for Greenwich had succeeded in establishing his case. The question involved was a difficult one, and full of technicalities, which rendered it unsuitable for discussion in a Committee of the Whole House; and he should, therefore, recommend the hon. and gallant Gentleman to withdraw his opposition on the understanding that the Bill was referred to a Select Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* to a Select Committee.

And, on April 14, Committee *nominated* as follows:—MR. STANSFELD, SIR CHARLES MILLS, SIR JAMES LAWRENCE, SIR SYDNEY WATERLOW, SIR ANDREW LUSH, SIR CHARLES LEGARD, SIR JAMES HOGG, MR. ASHLEY, MR. COOPE, MR.

GOLDNEY, Mr. SAMUDA, Mr. SPENCER STANHOPE, Mr. HEYGATE, Mr. JAMES, and Mr. BOORD:—Power to send for persons, papers, and records; Five to be the quorum.

CONVENTION (IRELAND) ACT REPEAL BILL.—[BILL 85.]

(*Mr. P. J. Smyth, Mr. Downing, Mr. Ronayne, Mr. Richard Power, Mr. O'Gorman, Mr. O'Clery.*)

SECOND READING.

Order for Second Reading read.

MR. P. J. SMYTH, in moving that the Bill be now read a second time, said, in the Session of 1871, in answer to a Question put by him to the Irish Solicitor General, Mr. Dowse said with reference to the Act which this Bill proposed to repeal, that there was no statute of a similar kind in England, and that it was still in force in Ireland. In consequence of that answer, he introduced in the Session of 1872 a Bill similar to the one then before the House. He was opposed by the Government of that day, as he was told he would be opposed by the Government of the present; but as he was persuaded his request was a most reasonable one, he trusted the House would lend him its attention for a few minutes. The title of the Act which it was the object of this Bill to repeal, was calculated seriously to mislead. It was not an Act to prevent unlawful assemblies, but to make unlawful assemblies, which without it would be perfectly lawful. It was introduced in the Irish Parliament by Lord Clare, in the year 1793, the pretence being a rumoured intention of the Catholics to hold a Convention in Athlone. It enacted—

“That all assemblies or other bodies of persons elected or otherwise constituted or appointed are unlawful assemblies, and all persons taking part therein are guilty of high misdemeanour.”

An Act of so extraordinary and unconstitutional a character could not fail to meet with vehement opposition in the Irish Parliament. Mr. Grattan said its object was not the peace of the country, but reflection on great bodies, and gratification of spleen at the expense of the Constitution, by voting false doctrine into law. His objection to the Bill was, that it was a trick, making a supposed national Convention in Athlone in 1793 a pretext for preventing delegation for ever. Lord Clare, at all events, had his pretext in 1793. He was curious to

know on what pretext the hon. and learned Gentleman the Solicitor General for Ireland would attempt to justify, in 1875, the prevention of delegation for ever, and the voting of false doctrine into law. Hon. Members would see, by referring to the Act, that it related solely to the mode of convening or holding a public meeting, and not in the slightest degree to the object for which a meeting might be convened. A meeting might be convened for the worst imaginable object, and if it had not a representative character, it might, so far as this Act was concerned, proceed without interruption. On the other hand, if a meeting be convened for the most laudable object in the world, and if it had a representative character, the police were commanded to disperse it by force, and those taking part in it as representatives were liable to the penalties of high misdemeanour. That was the law of public meeting in Ireland in this, the seventy-fifth year of the Legislative Union. He might be told the Act was not enforced since O'Connell's time. But why, if violated, had it not been enforced? Why the opposition to this Bill? Let the truth be proclaimed; the motive be frankly avowed. It was felt that this Act was a potent weapon in the hands of Government, and so it was held in reserve, bright and polished, for some great occasion. Such was the policy; but it was an unconstitutional policy, and as unstatesmanlike as it was unjust. It was a policy that condemned the Irish people to live on sufferance in their own land, and hold the plainest of constitutional rights—the right of public meeting—at the caprice of the Law Officers of the day. They have ostensibly,

“The letters Cadmus gave,”

but they are told in effect,

“He meant them for a slave!”

A conclusive proof of the mischievous vitality of the Act, and at the same time an overwhelming condemnation of it, would be found in the Act disestablishing the Irish Church. A special clause in the Irish Church Act, placed the Convention Act in abeyance, in order to enable the Protestants of Ireland to meet by delegation for the purposes of organizing their Church. A former Attorney General for Ireland (now Mr. Justice Barry), explaining that clause, said—

"By a peculiar law of old standing in that country, and framed for a particular purpose, no person or body could meet by delegation."—[3 *Hansard*, cxcv. 1019.]

Thus, before a section of the Irish community could discharge one of the most solemn duties ever imposed upon men, Parliament was obliged to remove the barrier interposed by this Act of old standing, framed for a particular purpose. It was the Act thus emphatically condemned, this peculiar Act of old standing, framed for a particular purpose in 1793, put aside for a particular purpose in 1869, and maintained for some very particular purpose from the Union to the present day, that he then asked the House totally to abrogate, and by so doing assimilate the law of Ireland, with reference to public meetings, to that of England. There was nothing which so impressed the observer of public events in England during the last half century, as the ease and quietness with which vast constitutional changes, amounting to revolutions, had been effected. A convention was held in Manchester or Birmingham, or a series of delegate meetings in London, and, as if by magic, religious liberty was established, and a cherished monopoly went down, and the portals of Parliament were widened, till the Commons' House became the expression of the peoples' will. The magician was not their Canning or their Brougham, their Cobden or their Peel, but that principle of representation that underlay the Constitution, and, like light itself, permeated the whole framework of English society. Give to Ireland the benefit of that saving principle—give her the Constitution. Repeal the Convention Act, or Repeal the Union.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. P. J. Smyth*.)

THE SOLICITOR GENERAL FOR IRELAND (*Mr. PLUNKET*) said, he must oppose the Motion of the hon. Gentleman. The Motion had been before the House on several occasions, and had been resisted by the Representatives of the Irish Government of both political parties. The speech of the hon. Member tended to create a misapprehension as to the character of the measure. The Convention Act did not in any degree interfere with the right of public meeting

in Ireland, nor did it interfere with the right of petitioning. That Act provided that meetings of a representative character, or in the nature of a delegated assembly, drawn together for the purpose of procuring a change in matters established by law in Church and State, should not be allowed. It would not be denied, he apprehended, that were the Act repealed a convention would be immediately called together in Ireland. Would not such an institution necessarily act as a rival to the House of Commons, and keep alive and exasperate those unhappy dissensions that had already existed there? Could any one doubt that such meetings would tend to create discontent and dissatisfaction in Ireland, and lead to most unhappy results? But this Bill would make such meetings legal, and would therefore enhance the danger. The Constitution gave the same liberty for lawful meetings in Ireland and in England. At present the Irish people were not deprived of any right of meeting in order to petition Parliament, or for any other legitimate purpose. When this proposal was made in 1872 it was opposed by the late Prime Minister, who said—

"We must admit, with deep regret, that we have not reached the time when we could safely and prudently venture to apply the entire identity of political legislation to Ireland, which I believe every man in this House desires."—[3 *Hansard*, ccxi. 166.]

The Bill would confer on the Irish people a dangerous gift; it would enable them to set up a mock Parliament and a mimic House of Commons, and he would therefore give it his decided opposition.

CAPTAIN NOLAN said, there had been representative meetings not long ago in Dublin of the very character described, and they were not interfered with. He should support the second reading.

MR. SULLIVAN said, the custom had been to have two weights and two measures for England and Ireland. The system of taxation, as had been shown a few nights ago, was in Ireland most oppressive and double in amount. The Convention Act was not put in motion against the friends of the Government. A few days ago a meeting of medical men was allowed to be held at the Limerick Junction, in direct contravention of the Convention Act; but those who held the meeting were not disturbed,

Mr. P. J. Smyth

because it consisted of friends of the Government. Could any Minister dare to propose a Convention Act for England? The Irish Convention Act was the cause of disturbances. If the Irish met in thousands they were charged with endeavouring to over-awe the Government, and if they met, as they did lately at the Rotunda, in Dublin, then they were despised on account of the paucity of their numbers. Whether their meetings consisted of few or many, the result was the same; their voice was not heard. To public opinion out-of-doors he would fearlessly leave it to decide whether such oppression should be allowed any longer to continue.

Question put.

The House divided:—Ayes 38; Noes 110: Majority 92.

TONNAGE ADMEASUREMENT BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the measurement of the Tonnage of British Ships.

Resolution reported:—Bill ordered to be brought in by Captain PIM and Mr. RICHIE.

Bill presented, and read the first time. [Bill 98.]

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Wednesday, 17th March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Consolidated Fund (£7,000,000) *.

Second Reading—Elementary Education Provisional Order Confirmation (Brighton) * (32); Consolidated Fund (£822,681 8s. 11d.) *.

Committee—Report—Superannuation Act (1859) Amendment * (37).

Third Reading—Registry of Deeds Office (Ireland) * (25); Land Drainage Provisional Order * (30), and passed.

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at Six o'clock,
till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, 17th March, 1875.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Prisoners on Remand * [99].

Second Reading—Bankruptcy (Scotland) Law Amendment [7]; Open Spaces (Metropolis) [50], debate adjourned.

Select Committee—Bankers Act Amendment * [10], appointed.

Committee—Report—Local Government Board (Ireland) Provisional Orders Confirmation * [81].

Third Reading—Consolidated Fund (£7,000,000) *.

BANKRUPTCY (SCOTLAND) LAW AMENDMENT BILL.

(*Mr. Fortescue Harrison, Mr. Anderson, Mr. William Holmes.*)

[BILL 7.] SECOND READING.

Order for Second Reading read.

MR. FORTESCUE HARRISON, in moving that the Bill be now read a second time, said, Sir, the Bill which I ask leave to read a second time is by no means pretentious. Its dimensions, its object, and those persons whose interests its provisions are intended to affect are alike humble; and although it is described as a Bill to amend the Law of Bankruptcy in Scotland, the contemplated changes are not of a character to alarm the most timid of law reformers. The Bill begins and ends with an amendment of a short section of that Act. In point of fact, it extends only to the substitution of a single cipher in a section of the present Act. Yet, Sir, unpretending as it is, and small and slight as is the concession I seek, I venture to say that more interest is at this moment excited amongst thousands of working men in Scotland on my present humble efforts to amend the law, than would probably be evoked by more ambitious legislative propositions. The working men in Scotland believe—and in my judgment justly believe—that they are unfairly treated in one particular provision of the Scotch Bankruptcy Act. To explain how that section works injuriously to these men—to show that it is in Scotland only, as compared with England and Ireland, that the grievance exists, and to ask the House to sanction a remedy, is what I now propose briefly to do. The principle has long been conceded that certain claims should rank preferentially on bankrupt estates, and amongst these are

included the wages of working men. Under the provisions of the 122nd section of the existing Bankruptcy Act for Scotland—namely, the 19 & 20 *Vict.*, cap. 79—the wages of workmen, and of clerks, shopmen, and servants, have a preferential claim on the bankrupt estate to the extent of a month's wages, provided that such wages or salary does not exceed £60 a-year. Should it be that any of the persons here described are paid at a rate above that limit, they have no preferential claim whatever, and must prove their debts in the ordinary manner, and rank with other creditors. The Act which so limits claims of this nature was passed in 1856, now nearly 20 years ago, and I have no doubt that at that time £60 a-year was considered a sufficiently limited amount to save the average working man from losing by the bankruptcy of his employer. Wages in those days were considerably less than they now are, and the means of living proportionately cheaper. From 20s. to 25s. a-week was the ordinary average wages of working men in Scotland at that time, and the limit of £60 a-year provided fairly enough for that calculation. But, Sir, things have changed very much since that period, and the average wages of working men have nearly doubled, while all the necessities of life have risen in an equal proportion; so that I question much if working men are better off now, so far as a margin between expenditure and receipt is concerned, than they were 20 years ago. That this is so, is to a certain extent proved by the way this question of preferential payment to workmen has been treated by subsequent Bankruptcy Acts. By the Irish Bankruptcy Act, passed after the Scotch Act of 1856, provision was made to protect the wages of workmen to the extent of £5, without reference to any particular rate of wages. That arrangement gave workmen an opportunity of protecting themselves from loss by insisting on fortnightly, or even weekly, payments of wages. By the English Bankruptcy Act of 1869, Section 32, it is provided—

“That all wages or salary of any clerk or servant in the employment of the bankrupt at the date of adjudication, not exceeding four months' wages and not exceeding £50, and all wages of any labourer or workman not exceeding two months' wages, shall have priority of payment.”

Mr. Fortescue Harrison

Taking quarterly payments as the rule in regard to salary of clerks and shopmen, this would give priority to the extent of a rate equal to £150 a-year for this class of persons, while for workmen no specific rate in wages is named; and thus, whatever the annual rate may be, a workman of England is entitled to priority for two months' wages. This is a fair and liberal interpretation of the preference intended by all Bankruptcy legislation in favour of working men. If the wages of workmen are to be protected at all, there is no reason why there should be any limit beyond that period at which it is the local custom to pay wages. In Scotland, it is the rule to pay fortnightly, and I should have preferred to introduce a measure securing a fortnight's wages to working men in cases of the bankruptcy of their employers, irrespective of any rate of wages. But being most desirous to see a speedy change in the present system, and anxious to avoid an opposition which would have been fatal to my desires, I thought it best to follow in the track of the existing law, only extending its operation. By the Bill which I now submit to the consideration of the House, I propose to extend the annual rate of salary or wages from £60 to £100. I feel that, looking either to the Irish or the English Bankruptcy laws, skilled working men in Scotland will still be placed in a worse position in this respect than their fellow-workers in the rest of the United Kingdom, inasmuch as the enlarged rate of £100 a-year protects working men only up to 36s. a-week, the actual average rate of skilled workmen's wages in Scotland being much in excess of that amount. But anxious to obtain some relief for those I sympathize with, I have preferred to name a low sum, with a fair chance of success for the measure, rather than, by attempting more, to fail altogether. If, however, the Bill is, by your favour, permitted to go into Committee, I shall be happy to accept any suggestion to increase the limit beyond the sum I have named in it. Recent occurrences in one of the burghs I have the honour of representing have awakened a strong feeling in this matter not only there, but throughout Scotland, and a sense of injury is felt by the classes affected that their position is inferior to that of working men under similar conditions in other

parts of the Kingdom. They urge with justice, that while they are told they should improve their technical education, and fit themselves to rival and excel the highly skilled labour of foreign competitors, they, by the very act of improving their position as skilled, and consequently as more highly-paid workmen, are placed, by the operation of the Act I am endeavouring to amend, upon the footing of unskilled labourers. I hope I have shown the House a sufficient justification for my attempt at legislation so early in my Parliamentary experience. The duty was cast upon me, and I should have been unworthy of the great industrial burghs I represent in this House if I had evaded it. I have only to thank the House for the patient attention it has given me, and to ask it to do an act of justice to working men in Scotland by the passing of the Bill, the second reading of which I have now the honour to move.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Fortescue Harrison.*)

MR. FARLEY LEITH: Sir, I entirely approve of the principle of this Bill, but I wish to make a few observations, as I consider it is too limited in its object and provisions. It can neither remedy the acknowledged defects of the Bankruptcy Law of Scotland, nor satisfy the reasonable demands of the mercantile community in respect to it. The Bill proposes to deal with one section of the Bankruptcy Act of Scotland, and with only a portion of that section. Indeed, I am of opinion, it leaves untouched the most objectionable part of that section. The hon. Member for the Kilmarnock Burghs (*Mr. Fortescue Harrison*) seeks to raise or extend the pecuniary limit mentioned in that section from £60 to £100. Now, I consider that the most objectionable part of the section is the latter part of it, which limits the wages to be allowed in cases of bankruptcy to the clerks, shopmen, labourers, and workmen, to one month's wages. That, I think, is, in itself, indefensible. It is objectionable and unjust to those hard-working, meritorious persons whose benefit we all have in view. The limit of one month's wages is unjust in principle, and certainly may be shown to be so by reference to the Act which the hon Member for Kilmarnock referred to

as the English Bankruptcy Act of 1869. On reference to that Act, it will be found that it distinguishes between clerks and shopmen on the one hand and labourers and workmen on the other. It provides that, as regards the former of these, the allowance of salaries shall be for four months, limited only by the provision which accompanies it—namely, that such amount as shall be awarded shall not exceed the sum of £50. With respect to the other class and division—namely, the labourers and workmen—the provision in the statute is, that they shall be allowed wages for two months. Now I ask, why should the clerks, shopmen, workmen, and labourers in Scotland be placed in a worse position than those of the sister Kingdoms of England and Ireland? Justice requires that the hon. Member for Kilmarnock should have further sought to amend that section of the Bill to which his attention has been particularly directed, by incorporating into his measure the four months and the two months which are given by the Act of 1869 in England. There is absolutely no reason for distinguishing between the circumstances, the position, and I may say the rights of the workmen in Scotland, and of those in England. I have no objection to this Bill, considered by itself, other than that which arises out of what I have just stated to the House. The mercantile community of the large city which I represent has, however, expressed its views in the Chamber of Commerce, and it desires a much more comprehensive alteration of the Bankruptcy Law of Scotland. It requires that it should be brought into harmony with the Bankruptcy Law of England generally, and that the two systems of law should be assimilated. I have proof, also, that this is what is demanded by the mercantile communities both of England and Scotland. At a meeting of the Associated Chambers of Commerce of the United Kingdom, held in February, 1873, a resolution was passed which embodies the suggestions and the reasoning which I have just brought under the notice of the House. That Resolution is in these terms—

"That it is expedient and desirable that there should be one Bankruptcy statute for the United Kingdom, and that the Government be memorialised to instruct the Law Officers of the Crown to prepare and introduce such a measure."

Now, that resolution was acted upon,

and a memorial was presented to the late Prime Minister. The right hon. Gentleman handed the memorial to the Lord Advocate for the time being. We have lost his services in this House in consequence of his promotion, and of another event which has happened in the change of Government; but I trust we have not at the same time lost any assistance in carrying that object out by the change of Lord Advocate. Therefore I appeal to my right hon. and learned Friend the present Lord Advocate to give effect to the memorial so presented. We had the promise of the late Lord Advocate that he would give effect to it. What are the objections to the present systems of bankruptcy in the Three Kingdoms? They appear on the face of those systems, and may be summed up in a few words without going into detail. First, there are three distinct and several statutes on the Bankruptcy Laws of the Three Kingdoms; one for England, one for Scotland, and one for Ireland. Now, hon. Members can easily imagine the inconveniences, the difficulties, and the evils which must arise from these widely differing systems of bankruptcy. The creditors in one country are at a loss to know the peculiar proceedings which are required to be followed in order to enforce rights in the other country, the principles and procedure in those other countries being diametrically opposed to each other. There are different rules concerning the marshalling the assets of the bankrupt's estate, and there is a difficulty, which has led to much litigation and delay, in ascertaining to which Bankruptcy Court's jurisdiction, of the Three Kingdoms a case ought to be referred. Is this not a scandal to the three countries, or at least to the two countries of England and Scotland, which are so closely united, and where the ramifications of commerce and trade are so extensive that we ought to have the same law to govern commercial transactions in both countries. I feel sure my right hon. and learned Friend will agree with me that there is no difficulty in having one statute for the Three Kingdoms, and we have precedents for it in the General Shipping Act, and the Revenue Act, which govern alike England, Scotland, and Ireland. The present Bill deals with only an infinitesimal part of the subject—the Bankruptcy

Laws—and although I am reluctant to vote against the Bill, I doubt whether in Committee we could so alter and amend it as to meet the reasonable demands and wishes of the mercantile community of England. However, having expressed these opinions on the general question, I shall vote in favour of the Bill, the subject-matter of which I hope will receive favourable consideration at the hands of the Government.

GENERAL SIR GEORGE BALFOUR said, he should record his Vote with great pleasure in favour of the Bill, because the hon. Member who introduced it had hit an undoubted defect in the Scotch Act, and at the same time had very properly refrained from touching upon the much greater question which the hon. and learned Member for Aberdeen (Mr. Leith) had referred to. The complete general question of a good law of bankruptcy ought, in his judgment, to be dealt with by the Government of the day, and was of too serious a nature to be dealt with by any private Member. He would suggest that if they did so, and introduced a Bill upon the subject, there should be a clause to the effect that no bankrupt should receive his certificate if he had not kept a set of books of account. As the Bill before the House only changed one item in the existing Act—namely, the amount which might be claimed for wages—and as it was an alteration needed from the changes in wages, he hoped the House would pass it in its limited shape.

THE LORD ADVOCATE: I do not intend, Sir, to make any objection to the second reading of the Bill. The object of the hon. Gentleman who has introduced it is to assimilate as far as possible the law of Scotland to the law of England, in reference to the payment of preferential claims to clerks and workmen. I think it is quite right that that should be carried out by legislation, but I venture to think that the Bill is capable of some improvement in Committee, and I shall be most happy to put myself into communication with the promoters of it with a view to consider the question. As to the much larger question introduced by the hon. and learned Member for Aberdeen (Mr. Leith), I must say I do not look forward with very great composure to a Bill for the assimilation of the Bankruptcy Laws of the three countries. In Scotland I am not aware

Mr. Farley Leith

that there is any great dissatisfaction in regard to the working of our own system. Of course, there will always be dissatisfaction regarding bankruptcy; but as far as the forms in use in Scotland exist, I do not think there is much dissatisfaction. On the contrary, the attempt of the framers of the last Bankruptcy Act which was passed for England was to assimilate as much as possible the law of England to the law of Scotland, and therefore I apprehend that if there be any faults in the English system, they arise from some departure from our Scotch system. I was not aware that any pledge was given by the late Government in this matter, or that the late Lord Advocate had given any pledge in regard to the reconstruction of the Bankruptcy Law. But it is a large question, demanding grave consideration, less, perhaps, by me, than by the people of Scotland, in reference to a change of the system, and the opinion held in England concerning the assimilation of their system to ours.

Motion agreed to.

Bill read a second time, and *committed for Monday 5th April.*

BANKERS' ACT AMENDMENT BILL.

[BILL 10.]

(*Mr. Goschen, Mr. Weguelin, Mr. Baring.*)

SECOND READING.

Order for Second Reading read.

MR. GOSCHEN, on rising to move that the Bill be now read a second time, said: The Notice of Amendment given by the right hon. Gentleman the Chancellor of the Exchequer to the second reading of my Bill, with a view of referring the subject to a Select Committee, has changed the aspect of the question, and considering the power which the Government can exercise on a matter of this kind, and also the position which the Scotch Members are likely to take in opposition to the measure, I think I may conclude that the Motion of the right hon. Gentleman, or some similar Motion, will be adopted by the House. Therefore, I do not propose to enter into any elaborate arguments in support of my Bill, or into the objections which may be taken to it. But I think I should be wanting in respect to the House, and to those large interests which are affected by the Bill, if I did not explain the

motives which have induced me to bring it forward. The turning point of the Bill consists in the fact that Scotch bankers have virtually a monopoly—a Parliamentary monopoly, and a monopoly which has existed almost without question since the year 1845. In reply, the Scotch bankers say—"Why should we not come to England, when the English banks can come to Scotland? There ought to be free trade." I submit to the House that they know, by the experience of 30 years, that when they say that their English brother-bankers can come to Scotland, the conditions of banking in Scotland, and of the law affecting the Scotch banking interest, are such that English bankers are virtually precluded from going to Scotland. When I introduced this Bill, I stated that there were two grounds for dealing with the subject. In the first place, I thought the English bankers had an equitable case for consideration, as they are under restrictions which the Scotch bankers are not under. Surely it is an anomaly that the National Provincial Bank should be obliged, as it has been, to give up the right of issuing bank notes to the extent of half-a-million when it comes to London, while the Scotch banks can come here without giving up their issue of notes. Perhaps, however, the Scotch bankers would retort—"You ought to remove the restrictions on the English banks." ["Hear, hear!"] Well, those cries of "Hear, hear," proceed from the Representatives of the Scotch monopolists, who are anxious that monopoly should become more valuable year by year; but the question of public interest in dealing with the Bill is, whether you ought to allow the monopoly by a stealthy process—opposed, as we believe, to the intention of the framers of the Acts of 1844 and 1845—to become more valuable year by year. That it has become more valuable I think no one will deny; and if you have a close body like the Scotch bankers, who, in addition to the great privilege they exercise in their own country, are to be free to come across the Border and to compete with those who have not such privileges, you are increasing the value of the Parliamentary privilege they wish to enjoy. How far is it desirable in the interest of Scotland herself that the monopoly should continue? That, in my opinion, is a question for the Select Committee to decide. Many

persons, whose opinions are entitled to considerable weight, do not wish, notwithstanding the many arguments which may be urged in favour of the Scotch bankers, to maintain this monopoly in Scotland. Then the Scotch bankers may say—"Let us have free trade in banking in Scotland, and let English bankers come and issue notes." Well, it is for Her Majesty's Government to consider whether such a course would be desirable; but, for my own part, I think that if the question were raised, it would be decided by this House in the negative, and that no body of monopolists or bankers should issue notes without the State claiming its portion of the profits. I have been charged by those who have not examined the question closely, with offending by the Bill against the doctrines of free trade. Now, I wish to point out that the question as regards free trade is this—you have on one side a body of monopolists with Parliamentary privileges, subsidized by the State; and on the other side, in competition with them, you have a body who are not so subsidized, and who have to contend against them. The Scotch bankers derive a certain annual value from those great privileges which they possess, for they can issue these £1 notes without paying any tax to the Chancellor of the Exchequer. Now, it is said—"Let there be free competition. Let the English bankers go to Scotland, and let the Scotch bankers come to England." The question has been argued as if the London bankers, or the English provincial bankers, objected to the establishment in this country of other banks, whereas, what they really contend against is the establishment among them of banks which have privileges in regard to the issue of their notes. They say—"This is free banking on one side, while you have the privileged issues on the other side." That is a very serious question, and the whole Bill turns virtually, as far as regards the public Exchequer, on the question, whether you ought to allow a privileged system of issues to go on and increase in value day by day. I think it is perfectly fair to take the course proposed in the Bill, and to say to the Scotch bankers—"If you drop your issues, you can come to England, and to London like any other bank; but as long as you enjoy the practical subsidy

and those privileges which were granted to you 30 years ago, and which have never been interfered with, so long we think your wings ought to be clipped, and you ought to be confined to your own preserves." I have mentioned as an historical fact that no new banks have been established in Scotland. There is, indeed, a branch of the Oriental Bank in Edinburgh, and there may be branches of English deposit banks in Scotland and of colonial banks; but it is a fallacy to compare the business done by an Indian bank or by a colonial bank in a Scotch town with the regular business of Scotch banks. And this is the reason why it is impossible for English banks to establish themselves in Scotland. The Scotch system of banking covers the whole population of Scotland in a most remarkable way, and I give the greatest credit to the able and indefatigable men who manage those banks. They have covered the whole of Scotland with those banks. Some banks have from 70 to 100 branches, and they supply £1 notes which they alone have the privilege of issuing, and they know that by the custom of the country the people in Scotland will only take £1 notes. What have the English banks that go to Scotland to do? They cannot issue Bank of England notes, because the people will not take them. They cannot pay their own notes, because it is not the custom of the country. What then are these banks to issue? Why, notes of their rivals. They are to issue the £1 notes, which they must take from the Scotch banks already established. The first operation of an English bank would be to get from the Scotch banks say £100,000 Scotch notes; and so in going to compete with its rivals, it would actually pay it a subsidy, because it would increase the issue of the Scotch banks. The English bank in Scotland must show its impotence, by not being able to issue the currency of the country, and in the next place it must actually go to its rivals and ask them for a supply of their £1 notes to carry on business at all. It may be said that this is not an advantage to the Scotch banks, because they must hold gold against their issues; but at this point there comes in the singular privilege of the Scotch banks—a privilege which the English banks have not, and which on general grounds is most questionable—of holding the

Mr. Goschen

gold, not against the notes, but against the general issues of the bank. They have a certain stock of gold, which every prudent banker must want, and with the store of gold they can cover their general liabilities. Therefore the present position as between the two countries, and the two competing banks in the different countries, is this—an English bank goes to Scotland; it can issue only £1 notes. A Scotch bank comes to England, and it can pay over its counter the general currency—gold and Bank of England notes—a currency to which they have the same access as everybody else. See how differently they are placed in this respect from the non-issuing English banks in a Scotch town. The Scotch bank has got a monopoly of the issue of the £1 notes; but in a provincial town in England, the bank has got to deal with the competition of a non-issuing bank and the Bank of England. In fact, there is no analogy between the two cases. In England there are the three issues—Bank of England notes, gold, and private issues. In Scotland you have only one—namely, the private issues. Those banks are limited in number. No addition has been made to them by Parliament, and these banks are now enjoying the privilege of coming over the Borders and establishing branches in England. They bring with them the advantages derived from their Scotch monopoly. They bring with them this fact that they have drained, to the advantage of the country—I use the word in no sense implying any blame upon the transaction—Scotland of the deposits. They are able to secure what is beneficial to Scotland, but coming to England with these deposits thus obtained, they say—“This is free trade.” That is not the only point. Do they bring their own £1 notes with them? In Cumberland they do, and the £1 notes circulate in great numbers in the North of England. The £1 notes, which English bankers have never been allowed to issue, circulate in the North of England under the auspices of the Scotch banks. They do not issue them in England itself; they issue them in a branch close to the Borders, and their customers bring them to England in their pockets, and pay for commodities with them. If this were reciprocal, it would be perfectly just; but see how this affects the English

bankers in the North. They get these £1 notes paid into them by their customers. They must cash these notes, however, through a Scotch bank. That Scotch bank—a privileged bank—charges them what commission it pleases, because it is able to regulate these matters itself. Having paid the commission, the bank in England is compelled to charge its customers. The customers naturally say—“We don’t wish to pay this commission;” and the customers take their accounts to the Scotch banks, who are able to do the business without charging the commission; while English banks are unable to retaliate, because, owing to the Scotch system of issue, they are unable to cross the Borders. No one can say that it can be proper that a system should exist which so heavily handicaps one class as against the other. I think our Scotch friends may admit that much. The same argument applies, but not with equal force, to London. A Scotch bank may be established there, and its managers may be able to do all Scotch business free of commission, and in that way they may be able to supplant their rivals in certain branches of business. I think, however, the House would not wish that the privileged monopolists coming to London, and driving their rivals out of a certain business, should make it appear that the business cannot be done as cheaply and as satisfactory to the public by arrangement. If the English banks could have the privilege of paying their notes throughout Scotland, as the Scotch banks have, then they would be able to effect another arrangement. I quite agree that the interests of the public must be paramount in this matter. My feeling is, that the interests of the public must be secured by taking care that the value of a monopoly should not be increased. I would just refer to what has been stated in some of the able papers which have been circulated on both sides of the question. Sir Robert Peel foresaw what has happened. He knew that the course he was taking would be to the advantage of Scotland in the respect to which I have referred, and I suspect that he intended that arrangement practically not to be a permanent one; but that it should be subsequently revised by the State. There is only one point which I need further

touch, and that is a comparison of the position of the issuing banks in England and the issuing banks in Scotland. I have shown that the former is no monopoly. They have to compete through the system of currency in the country with other banks—with the Bank of England and non-issuing banks. With regard to Ireland, there are issuing banks there; but the same monopoly which exists in Scotland does not exist in Ireland. This brings us to the question—What is the difference between the position of an issuing bank in England and an issuing bank in Scotland? The Scotch bank issues £1 notes, and the English bank £5 notes. The Scotch bank is not tied down to its issue, but can issue above the authorized amount against gold to cover its general assets, and it has got the further advantage of meeting with no competition at the hands of the Bank of England. It is clear the position of the English banks is different, and I must say that the issuing banks established in the North of England may claim the consideration of the House; and without saying what the remedy is, it may be said that the present state of things is intolerable to them, because it is perfectly clear that they cannot compete with the Scotch banks. Under the circumstances, I propose the Bill which I have laid upon the Table. I suppose it is the intention of Her Majesty's Government—so I gather from the Amendment of which they have given Notice—to deal with the matter themselves, I will not say immediately, but after the Report comes up. I know the immense difficulties which a private Member has in dealing with a question of this kind, and I should not have attempted to deal with it, unless I understood that the Government had some difficulty in taking up the matter. I perfectly agree with the opinion that it is for the Government, if possible, to deal with this class of questions, and I hope that they will do so. Let me, however, point out that this is a Committee which, if the House should assent to its appointment, will take a considerable amount of time. What is to be the condition in the meantime? If the House at all shares the views which I have endeavoured to put before it—that it is unwise on the part of the public to allow the value of this monopoly to go on gradually increasing by stealthy means,

Mr. Goschen

which were not intended by the Legislature, then I think the House would think it better that the *status quo* should remain during the time that this inquiry progresses. I should be very glad if I can persuade Her Majesty's Government to assist in passing a Suspensory Bill; or what would be far better, that the Government itself should pass such a Bill. Otherwise, the Scotch banks, pending the Committee, might be induced to take the very steps which the Committee afterwards will recommend should not be permissible. I call the attention of the Government very respectfully to the point. It would be difficult for the Committee to report, if at all, this Session, in time for legislation on so large a subject to take place. It might be two years before any action could be taken by Parliament, and in the meantime I think the monopoly with which the Chancellor of the Exchequer might wish himself to deal would have become more valuable, would have taken root in new places, and then we should find ourselves embarrassed in dealing with many vested interests which are absent at the present moment in a certain degree. I think it only just to have stated as clearly as I can the view I have taken, because it is a matter in which a great interest is taken by the mercantile community. Having done so, I will now move the second reading of the Bill.

Motion made, and Question proposed,
“That the Bill be now read a second time.”—(*Mr. Goschen.*)

Mr. STEPHEN CAVE, in rising to move, as an Amendment—

“That a Select Committee be appointed to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorised to make and issue notes in England, Scotland, and Ireland, respectively,”

said: I am not going, Sir, to make a long statement on this question. I rise simply to give a short explanation of the intentions of the Government. The question will be inquired into by a Committee, and we should be anticipating the labours and the result of that Committee if we went far into the question now. The Government has had the subject under their consideration for a considerable time. My right hon. Friend the Chancellor of the Exchequer has considered it most carefully; but he felt that a matter of the kind, involving interests of such

great magnitude and such great complication, ought not to be brought in without some preliminary inquiry. I need hardly suggest to hon. Members that in consequence of the pressure of Business upon the Government such an inquiry was likely to be postponed until a little more leisure could be obtained. There are many reasons why such an inquiry should take place. Amongst others, I should mention a strong one on the very threshold—the question whether the Scotch bankers are within the law. It is generally supposed they are within the law in acting as they have done; but still it is not certain. Other people have a different opinion on the point. Certainly in bringing their notes across the Borders, and practically establishing in England a Scotch circulation, they are sailing very near the wind. The difference in principle of the issue between the Scotch and English banks is another question that opens up a very wide field of inquiry on many important points. The stock of gold in the Scotch banks serves a double purpose—of being at one and the same time the security for deposits and also the means of extending the paper issue. For these and other reasons which hon. Members may very easily imagine for themselves, my right hon. Friend the Chancellor of the Exchequer, thinking that a preliminary inquiry was necessary, gave Notice of the Amendment on the Paper, which was, I may say, not in the least intended to be hostile to the Bill of the right hon. Gentleman; but another Amendment has been moved by the hon. Member for Glasgow (Mr. Anderson). He has given Notice of an Amendment which the Government have not thought it desirable to assent to. That Amendment is to the effect that the Bill be read a second time this day six months, and should the hon. Member move it, the Government will be unable to move their own, and before explaining the views of the Government, my right hon. Friend thought that he ought to hear both sides. We have heard the statement of the right hon. Gentleman the Member for the City of London, and we shall be glad to hear what can be said on the other side in favour of the Scotch banks. But we must also maintain our position. Therefore, I venture to rise to move the Amendment of the Chancellor of the Exchequer, in order to give him an oppor-

tunity of explaining the views of the Government after having heard both sides of the question. I cannot avoid saying one thing. Free trade has been mentioned. I quite understand free trade in banking, but free trade in issuing is quite another thing, and one to which I should be wholly opposed in the case of England. No one can doubt that, on principle, the paper issue of the country like its metallic currency, ought to be in the hands of the Government. I believe that very few can read the debates on the Act of 1844 without believing that this was Sir Robert Peel's opinion. He went as far as he could in that direction, and I believe that his views were, that long before we should arrive at the present year of grace, the work would have been accomplished, and the entire issue of the country would have been in the hands of the State. Let me say before sitting down, to my right hon. Friend the Member for the City of London—by way of joke, rather than of finding fault—that it seems rather odd that he should be the instrument of bringing in this Bill, as his Government allowed a Bill to pass in 1873 enabling the Royal Bank of Scotland to come to London. At the same time, that is no reason why he should not bring in the Bill the object of which he has explained to-day. The right hon. Gentleman concluded by moving the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorised to make and issue notes in England, Scotland, and Ireland respectively,"—(*Mr. Stephen Cave*.)

—instead thereof.

MR. LYON PLAYFAIR, who had an Amendment on the Paper, to move—

"That a Select Committee be appointed to consider the expediency of maintaining or imposing restrictions upon issuing bankers, so long as they shall continue to be such, in respect of their banking business."

said: The discussion on the Bill of my right hon. Friend the Member for the City of London has assumed a new aspect; for while one great objection to his Bill was that its object was partial, by being aimed against Scotch banks alone, when Irish banks ought to have been included, the new proposal of the

Chancellor of the Exchequer does not err on the side of being too limited, for it is startlingly large. The subject now before us is not merely a Bill to restrain Scotch banks from having their own agencies in London, but this limited measure has actually swelled by the Government Amendment, into the large proportions of a general inquiry into the whole banking system of this country. For the words of the Chancellor of the Exchequer necessarily include the Act of 1844 as well as of 1845, and involve an inquiry, the magnitude of which may well astonish the House, coming as it does with so little note of preparation. The Chancellor of the Exchequer will probably tell us that he does not intend to open up the question of the privileges of the Bank of England and the restrictions put upon its issue of notes; but certainly the words of the Amendment include all banks of issue in the widest scope. It is surely inexpedient to bring forward a statement of such magnitude in the form of an Amendment to a Bill of a private Member. At the same time, the Scotch banks have no objection that such an inquiry should be made, provided it is as broad and open as the words of the Amendment imply. If, however, the words are to be restricted in practical investigation to the object of my right hon. Friend's Bill, then I think the issue should be limited by words to the purpose intended, and I wish the Chancellor of the Exchequer would accept my limited issue. Of course, in making the Amendment, I oppose the Bill of my right hon. Friend. My right hon. Friend disowns any intention to interfere with the freedom of trade in banking, resting his case on the regulation of monopolies. He refuses to the Scotch banks, which have a monopoly of issue in Scotland, the right to trade in London in competition with banks which have no monopoly of issue. He cannot deny that the principle of the Act of 1844, as explained and enforced in the strongest possible language by Sir Robert Peel, was to control and separate the powers of issue from the business of banking, but at the same time—for I use the very words of the great financier—to give the banking business “unlimited and unrestricted competition.” It would have been inconsistent with the object of the Act of 1844 that

English banks of issue, with notes circulating in England, should compete in London with the Bank of England, for that would have hampered its influence in regard to foreign exchanges, and therefore English banks of issue were prohibited from establishing themselves within 65 miles of London. But that danger could not occur with Scotch or Irish banks, for their notes are not allowed by law to circulate in competition with those of the Bank of England, and therefore the Act of 1845 contained no such restrictive clause against the establishment of agencies in London for the transaction of banking business as distinct from issue. My right hon. Friend says that Scotch notes are really in circulation in Cumberland. Well, the Scotch banks are not responsible for that, as they have never issued a Scotch note in England. Nor will his Bill remedy the evil of which he complains. My right hon. Friend would require to establish Custom Houses on the Border to search the pockets of travellers with the view of preventing this dreaded invasion of Scotch notes into England. My right hon. Friend has no right to assume the exemption of Scotch banks as an omission on the part of Sir Robert Peel. He was far too sagacious to have overlooked that contingency. The omission was in entire accordance with his advocacy of the principle that banking apart from issue could not be too free and unrestricted. The year 1845 is not so far back. It is in the minds of many hon. Members. All business was gravitating heavily to London. Far less sagacious men than Sir Robert Peel could foresee that this metropolis would become the the great centre of banking business, and that monetary transactions must of necessity have their ultimate destination in London. Twenty years later a Bill was brought into this House by another great financier, the then Chancellor of the Exchequer (Mr. Gladstone). The words used by the Chancellor of the Exchequer in 1865 confirmed the view taken of the Act of 1844 by Sir Robert Peel, and advocated unlimited competition in the business of banking. He said—

“Is it undesirable when an almost absolute necessity drives banking establishments throughout the country towards this great centre of the money operations of the world that those estab-

Mr. Lyon Playfair

liaments should be hampered by arbitrary provisions, and should be obliged to pass their business through the hands of agents?"—[3 *Hansard*, clxxvii. 618.]

That imperative necessity has forced one bank after another to become its own agents in London when there was no legal disability. The National Bank of Ireland, with an authorized issue of £850,000—double that of any Scotch bank—has been domiciled in London for 20 years, and it now has eight branches in the metropolis. The Provincial Bank of Ireland, in like manner, has had its London centre for 10 years. No one has disputed their right, nor does the Bill of my right hon. Friend propose to take it away. The Irish banks have taken root, and perhaps it would require an effort even beyond the strength of my right hon. Friend to pull them out of the ground, and so he leaves them alone. Nor does he attempt to root out the Oriental Bank and other colonial banks, which in logic he should extirpate also. The Irish and colonial banks of issue are to remain in London, at least for the present, until my right hon. Friend gets his Bill passed into an Act, when it may prove a fulcrum on which to apply a lever for the stronger task of getting all these banks of issue rooted out of the City of London. For Parliament cannot consent to pass an Act of disability against Scotch banks, unless it proceeds on a distinct principle, which it is proposed to apply to Irish and colonial banks of issue. Now, why are the London agencies of Scotch banks selected for primary extirpation? My right hon. Friend the Member for the City of London knows very well that the right of issue of Scotch banks is not the main cause—is, indeed, only a small cause of their prosperity. He may justly look upon them as formidable competitors with London bankers; but he cannot in his heart believe that their strength depends upon their £2,750,000 of authorized note issue, when their deposits reach £77,000,000. They have a surplus issue; but it is covered by gold, and though a convenience to their branch business, is only indirectly a source of gain. The strength of the Scotch banks does not thus consist of their authorized circulation of £2,750,000, constituting only one thirty-third part of their resources; nor does it rest on their total of note circulation of £6,000,000,

for that is only one-fifteenth of their resources. These resources amount to the large sum of £90,000,000, of which £77,000,000 consist of deposits. That is the capital—the results not of privilege, but of the savings of industry—which constitutes the strength of the Scotch banks, and creates alarm among the London bankers. I have said that the Scotch banks do not fear an inquiry into the expediency of imposing restrictions upon them, if they are not aimed at exclusively, as the Bill before us unfairly and illogically does aim at them. For the issue before a Committee would be—Ought restrictions to be imposed on Scotch and Irish banks in the interests of the public, and not merely in the interests of London bankers? The Scotch banks have been forced to come to London from the great increase of their metropolitan business. One Scotch bank assures me that its transactions to and from London amount to £60,000,000 annually. Can you conceive that with such an amount of business, a second-hand agency can work satisfactorily? Surely the benefits of a direct agency must be beneficial to the Scotch merchants who have dealings with London, and to the English merchants who have dealings with Scotland. I admit that the benefits which the public thus gain by a direct agency are detrimental to some of the London bankers, who formerly transacted the Scotch agencies—for even to their own customers they are unable to transact Scotch business as cheaply as the Scotch banks can do. But to suppress them, for this reason, would be a complete return to class legislation, and protection in its most naked form. If my right hon. Friend had brought in a Bill to enable the English banks of issue, if they left their issues behind them in the provinces, to open agencies in London, he would have been thoroughly justified as a free trader, and he would have been supported by the Scotch Members; but to drive Scotch agencies out of London when doing banking business only, apart from issue, is the antithesis of free trade. It is impossible to see in this proposal any other ground than that of protection to a class. Assurances are given that the Scotch banks will be gainers by their exclusion from London, because if they remain, they might be tempted into all sorts of transactions on

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the Stock Exchange, unfitted for their small stock of metallic reserve. The Scotch shareholders and depositors belong to a canny race, and are well able to protect themselves. The metallic reserve in Scotland of £4,100,000 forms only a small portion of the reserve of the Scotch banks, and is scarcely deemed by them a reserve at all in its true sense. Their second line of reserve, in Government securities and bills of short date, exists in London, and is so ample, that no one questions the solvency of the Scotch banks. They deem it wiser to use money, than to let it lie idle in their tills; but the prudence of its use as a whole has justified the confidence of the public, and this confidence is the real ground of alarm of the English bankers. They fear that a system of banking, which has inspired every individual in Scotland with as much confidence in a bit of dirty greasy paper as in a sovereign in gold, may have a catching effect on the English people, and induce them to add to the £77,000,000 of deposits which form the groundwork of their resources. It is this accumulation of the savings of the prudent Scotch which mainly remain in London, and, therefore, which requires constant watching in investments, that forms a strong argument for direct and responsible agency. I should have met the Bill of my right hon. Friend by a direct negative vote, were it not that I was anxious to show, for my own part, that the Scotch Members are not afraid to court inquiry, and do not wish to show satisfaction with the continuance of restrictions which the law imposes upon English banks of issue. I believe that any Committee which this House may appoint will recommend that the existing restrictions should be withdrawn—not that new restrictions shall be imposed. Parliament, which has so thoroughly carried out the principle of Free Trade, is not likely to return to the system of Protection in banking. Even the larger proposition of the Chancellor of the Exchequer would have been welcomed by us, if we had thought the time opportune for a complete review of the system of currency. The Scotch banks have no fear that any Government will interfere with their paper currency. If a Government desired to make the Scotch people Home Rulers, I can give them a double receipt for their speedy conversion.

Mr. Lyon Playfair

Threaten to suppress Presbytery, and threaten to suppress the £1 note. One would be about as dangerous a proceeding as the other. But we do not wish to introduce our paper currency into England, though I think few people would object to the Bank of England notes being made legal tenders in Scotland. While, then, we preserve an issue which forms an insignificant part of the resources of the Scotch banks, and which is not more than sufficient for a circulating medium in Scotland, and cannot affect the just influence of the Bank of England on exchanges, we are quite willing that a Committee should inquire into the expediency of maintaining or imposing restrictions on banking, in the full belief that the House will be advised that the principle of unrestricted banking, so forcibly urged by such great financiers as Sir Robert Peel and the right hon. Member for Greenwich (Mr. Gladstone), will more firmly be established by a new investigation of the relations of the metropolis as the centre of monetary transactions to all the banks throughout the Kingdom.

MR. GLADSTONE: One thing, at all events, that is satisfactory is—and I am glad that it has been already recognized to-day—that this is not at all a party discussion, and that we may exchange our sentiments, whether in approval of or against the Bill, without their being embittered by any of those feelings which arise out of political contests. It is in that sense I wish to speak, and in starting I am free to admit that I think that in one instance the right hon. Gentleman who spoke last made a point against the right hon. Gentleman the promoter of the Bill, for it is undoubtedly not consistent, at any rate in theory, that we should be asked to legislate against the privilege of Scotch banks coming to England, and should at the same time be called on to close our eyes against the existence of a similar privilege which is enjoyed by the banks of Ireland. Whatever course is taken with regard to the banks of one of the two countries would have to be taken in equity and policy with respect to the other, and I shall be very much surprised if my right hon. Friend (Mr. Goschen) shows any disposition to be obstinate on this subject, or pushes his quarrel to extremity for the sake of excluding the Irish banks. I am led to

make a few remarks immediately after the last speaker in consequence of his references to the Acts of 1844 and 1845, and to the views of Sir Robert Peel, for I have the eminent and melancholy privilege of being the only person now in the House who belonged to the Cabinet of 1844, and as I occupied a post intimately connected with the trade, commerce, and finances of the country, I was naturally and necessarily cognizant of the views of that eminent statesman upon which the legislation of that period was founded. Now, my right hon. Friend has referred with perfect accuracy to the declaration of Sir Robert Peel that he was entirely in favour of absolute freedom of trade in banking; but he did not give him credit for the qualifying statement he made—that he was not also of opinion that, if it were the pleasure of Parliament to combine the business of banking, which is essentially and properly a free business, with the factitious and artificial privilege of issue, which has nothing whatever to do with banking, and which rests on grounds of its own, such a combination of privileges might not materially modify the principle of freedom in banking. That was the course taken by Sir Robert Peel in respect to English banks at the period referred to, and it affords an illustration of his opinions on the question, and I do not think my right hon. Friend (Mr. Lyon Playfair) has been at all successful in his attempt to show that it was otherwise. It could not be conceived by Sir Robert Peel that the circulation of the English banks could ever be made an instrument of inconvenience as regarded the foreign exchanges. Sir Robert Peel proceeded steadily on the principle that where the law imposed restrictions on issuing banks, these restrictions ought to be maintained; and, moreover, Sir Robert Peel did that with reference to a wider principle still—namely, the principle that the State ought ultimately to get into its own hands the whole business of issue, and that that course should be taken upon the first favourable opportunity. That is the true statement of the views of Sir Robert Peel, and his views on subjects of this kind, I need not say, must always be of very great weight and authority. I am not prepared to admit to my right hon. Friend (Mr. Lyon Playfair) that this Bill is to

be justly described as an attempt to legislate in favour of English as against Scotch bankers. It is perfectly true that there is a class interest involved, on the one hand, of Scotch bankers, respecting whom I do not deny that the extension of their privileges, apart from issue, appears in itself desirable, and a class interest, on the other hand, of English bankers. But my right hon. Friend (Mr. Goschen) bases his Bill and his arguments in support of it mainly upon the public interest—basing this measure, in fact, entirely upon the ground taken by Sir Robert Peel, that banking privileges in the case of those banks which enjoy the additional and external privilege of issue must not be taken for granted as fit subjects for unlimited extension, but are open to the consideration of Parliament as regards the sphere within which they are to be exercised. My right hon. Friend (Mr. Goschen) put the case of equity very strongly as regards the English banks, and my right hon. Friend who has just spoken did not deal with this point when he referred to the case of the National Provincial Bank. I will ask, with my right hon. Friend, the simple question again, whether it is equitable that the National Provincial Bank should be required to surrender its very valuable issue of £400,000 of notes as a condition of its coming to London, and at the same time, that any bank in Scotland or Ireland should be allowed to come to London without surrendering its privilege of issue? That, I think, is a very inequitable state of the law, and fully justifies my right hon. Friend in having raised the question now before us. I suppose my right hon. Friend will not insist on desiring to obtain the second reading of his Bill in face of the Notices of Motion upon the Paper, and especially of the action taken on behalf of the Treasury Bench. I am not, however, for myself, prepared to say, in regard to this matter, that there is any case requiring investigation as anterior to legislation. I think the question is quite clear and simple, and I know there are hon. Gentlemen in this House perfectly competent to discuss it without any previous inquiry. But we are in the hands of majorities, and I am disposed to assume that probably the majority is in favour of having some inquiry previous to legislation. In that case,

being under some apprehension, I would venture to suggest that the terms of the inquiry proposed by the right hon. Gentleman the Chancellor of the Exchequer should be altered in such a way as not to leave them open to the construction put upon them by the last speaker. The words he complains of ought to be left out, otherwise the terms seem to amount altogether, or very nearly, to the appointment of a Committee for the purpose of investigating generally the state of the currency, and even the privileges and powers of the Bank of England. If you are to discuss generally the issue powers of private bankers, which is obviously the immediate scope of the Motion, it will be quite impossible to exclude from inquiry the issue powers of the Bank of England. The two things are in point of fact the complement of one another. The interests of bankers and the issues of private banks and the Bank of England are so closely connected, the one taking the place which the other does not fill, that it is impossible to make an inquiry in regard to the one without extending it to the other. I am not quite sure that I gathered distinctly from the speech of the right hon. Gentleman who spoke on the part of the Government (Mr. Stephen Cave) on what ground the objection was raised to the narrower inquiry proposed to be instituted by my right hon. Friend (Mr. Lyon Playfair). [The CHANCELLOR of the EXCHEQUER: We dispute that it is narrower.] I am glad to hear that answer from my right hon. Friend. It is going into a question of words, and if it is limited to a question of words the matter may be easily settled. What I understand to be the contention of my right hon. Friend (Mr. Lyon Playfair) is to confine the inquiry strictly to the purpose and scope of the Bill before the House, not denying, as I understand, that Irish banks would be properly included in such an inquiry. That being so, there need be no great difference as to the terms of the inquiry; but I do not understand the words of the Chancellor of the Exchequer as being capable of that interpretation. However, I leave that to be settled, as I have no doubt it will be settled, further on in the debate. As I have already said, I see no advantage to be gained by this preliminary inquiry, but I do not feel it my duty to ask the House to vote in opposition to it.

Mr. Gladstone

What I do look for from this discussion as likely to be beneficial has reference to the larger aspects of this question. The point raised by the Bill of my right hon. Friend is, in itself, comparatively narrow. It either relates to the interests of certain English and Scotch banks, or it relates to matters connected with the public interest which go far beyond the question of banking in Scotland or England—namely, the question whether the privilege of banking shall or shall not be accompanied by the greater privilege of issuing notes. The real question which I think the Bill, after this debate, must suggest to the mind of the House is whether it is or is not desirable, supposing a favourable opportunity to have arrived, that we should now at length, after the lapse of 30 or 31 years since the last legislation upon this subject, endeavour to deal with the whole question of issues. I am one of those disposed to adhere firmly to the principle of the Act of 1844, and I am disposed to adhere firmly to the principle laid down by the Chancellor of the Exchequer—namely, that all issue is the privilege and prerogative of the State, and that nothing can be more fallacious and mischievous than confounding the privilege of banking with the privilege of issue. Nothing could be more strictly accurate, and, at the same time, more felicitous, than the expression of my right hon. Friend (Mr. Goschen) when he spoke of the issue banks as being subsidized by the State. They are so subsidized in the strictest sense, because they have in their own hands, in their notes, a power which, if exercised by the State, would be directly productive of considerable funds available for the relief of the taxpayer. It would be exactly the same thing, as far as the money is concerned, to grant a lucrative privilege to a person or pay over to him a considerable sum from the Consolidated Fund. Do not suppose that I wish to speak with disrespect of the persons who possess these privileges of issue, especially the Scotch banks. I think they have derived rather more advantage than my right hon. Friend (Mr. Lyon Playfair) is disposed to admit, from the possession of this privilege of issuing notes, and coming to the metropolis. But I feel bound to admit and assume that the prosperity of the Scotch banks, and their great extension, is in the main due to the prudence of the

Scotch bankers, not only in the way they manage their issues, but also, and to a still greater extent, in the way they have extended their branches and banking facilities to all parts of the country. Why, so thoroughly have they done this that I would hardly be surprised to hear that there was a branch bank at John o' Groat's House. [An hon. MEMBER: There is one at Thurso.] Yes, and at other places far less promising and fruitful than the town of Thurso. It is this extraordinary banking energy—the manner in which the wise and thrifty disposition of the people to avail themselves of banking facilities has been developed and turned to account—which has been the main cause of the prosperity of the Scotch banks. But what I wish to point out to the House and suggest to the Government is, that there is now a good opportunity for that larger legislation upon this subject which I have indicated is desirable for an equitable settlement of every just claim on the part of vested interests—and I admit that these vested interests exist—for the establishment of the title of the State to issue, and for effecting a very large economy in behalf of the people of this country. The question could never be settled if party interests were allowed to enter into it, but if the Chancellor of the Exchequer avails himself of the opportunity which I think is open to him, I venture to think he will not be met in a partizan spirit. It is impossible, however, that considerations of party feeling can at present enter into the consideration of the question. I know the opinions of the Chancellor of the Exchequer on the subject, because I have heard them explained in this House with great clearness and great force. I know that the opinions which he has expressed are also the opinions of the Government, and I know that these opinions are in conformity with the opinions of hon. Gentlemen sitting on independent benches on both sides of the House, who may be able to render the right hon. Gentleman valuable assistance in the task which I respectfully propose to him to undertake. Though I have not asked the permission of those who sit near me upon this bench, I am sure I speak their sentiments when I say that if my right hon. Friend is disposed, on the part of the Government, to grapple with this great and impor-

tant question, he will receive from them, as from myself individually, the most cordial support. This is a very important matter. When the present Government took office, we were told that all dangerous categories of legislation were to be avoided. Among these I hope cannot possibly be included a subject of this kind, in which such large public interests are at stake, and as to which substantially the same views are taken on both sides of the House by those who have considered the question. I simply throw this out as a suggestion to my right hon. Friend, and trust it will receive from him the consideration it deserves. With regard to the matter more immediately before the House—the Bill of the right hon. Gentleman (Mr. Goschen), I think there is great force in the plea that he has made—which can hardly be viewed with jealousy or antagonism. If an inquiry is to be instituted, I think the Government should take care that the *status quo* is maintained while the inquiry is progressing. Obviously, the House would be placed in a false position, and would be exposed to just criticism and censure for want of foresight, if, when we are going to inquire whether it is or is not desirable to do a certain thing, we should leave the door open for those who may forestal the decision of the House by instantly establishing those houses of business in London. To that extent, at any rate, I hope that my right hon. Friend (Mr. Goschen), while meeting the Government in the most conciliatory spirit in the inquiry they suggest, will adhere to his proposal that the *status quo* should be preserved. Indeed, I anxiously hope that we shall hear from the Chancellor of the Exchequer that, in view of the investigation he suggests, it is reasonable and right that this precaution should be adopted.

MR. PERCY WYNDHAM said, that while the Scotch banks had exceeded their limit of issue by £3,600,000, the English banks were £1,100,000 within the limit, from the fear of the heavy penalties they would incur by exceeding it. The English banks in the North of England had no fear of competition, provided it were conducted on fair and equitable terms; but the competition to which they had recently been subjected in Cumberland by the Scotch bankers was neither the one nor the other. The

Scotch banks had peculiar privileges, and when they came to England and exercised those privileges against the English country banks which had no such privileges, great injustice was necessarily committed. When the Scotch boasted that they had covered the whole of the country with banks, it must be remembered that if a bank in Cumberland wished to start a branch, they could not do so without locking up a large portion of their capital; whereas a Scotch bank could start tentative branches without locking up any capital at all. It was said that the Scotch bankers did not seek to issue their notes in England. Virtually, however, there would be a £1-note issue in England, and even last year in Carlisle £100,000 in £1-notes were paid over the counter of the banks there. This was a question between banks of issue with great and peculiar privileges and banks of issue without those privileges. The question was asked—"Why not object to the establishment here of foreign, colonial, or Indian banks?" The answer was, that these banks competed with the English banks upon fair terms, whereas, as he had observed, the Scotch banks came here with peculiar privileges. These privileges were conferred upon the Scotch banks in 1845, on account of the poverty of the people, and the great advantage which it was alleged would accrue to them if they had a larger note circulation. Now, as the fruit of these privileges, the Scotch banks had more money than they could lend in Scotland; but it was never intended that they should cross the Border and compete with English banks upon unfair terms. He did not see why inquiry should preclude a more immediate remedy, because, otherwise, if time were allowed to pass, legislation would become increasingly difficult.

MR. NEWDEGATE: I am fully impressed with the perfect equity of the Bill which has been introduced by the right hon. Gentleman the Member for the City of London (Mr. Goschen). I am likely to feel this, because I remember the debates on the Acts of 1844 and 1845. In those discussions I took the part of the country bankers, who felt—and, I thought, justly felt—aggrieved by the stern restrictions which the Act of 1844 imposed upon the powers of issue. It appears to me that if it were right that those powers should then be

so severely restricted, it is only right now to protect those who are so restricted against this invasion of Scotch bankers. It appears, therefore, to me a matter of sheer justice, that we should now prevent the extension to England of the monopoly which was granted to the Scotch bankers for public reasons in 1845. But I observe that this question is about to assume far larger dimensions than at first appeared; for, limited as is the scope of the Bill of the right hon. Gentleman, it is announced by the Government, and the proposal is supported by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), that this is a favourable opportunity for the State to assume the exclusive power of issuing notes in the United Kingdom. That is a question of the deepest and widest importance; and I would entreat the House, when that question is raised by persons of such weight and authority, to consider well the history of the currency and of the Banking Acts of this country before it lends itself to the sanction of any further steps towards the policy of the late Sir Robert Peel, beyond the point to which he was able to carry that policy. The step now contemplated is one which, if the late Sir Robert Peel ever thought it prudent, he never actually proposed, a measure which he never thought his own powerful Government in 1844 capable of enforcing. Now, Sir, the right hon. Gentleman the Member for Greenwich will not, I am sure, think I am likely to overlook the fact, that there has been a great change in the relations of money to the prices of labour, and of produce, and of property of all kinds since 1844. My firm belief is, that had it not been for the subsequent great additions to the circulating medium of the world, by the discoveries of gold, our Banking Act of 1844, and the system of commercial policy founded concurrently with the passing of that Act would have broken down. We had the failures of 1847, of 1857, and of 1866; and I am quite sure that, although it has been said that no house which did not deserve to fall did fall during these crises under the pressure of the action of the Bank of England, as dictated by the statute of 1844, that statement will not commend itself to any person, who remembers the circumstances. It is enough to say that the operation of the Banking Act of

Mr. Percy Wyndham

1844 has been twice interrupted, and that the right hon. Member for the University of London (Mr. Lowe), when Chancellor of the Exchequer, not only proposed a system by which these interruptions which were at these periods justified as exceptional, would become regular, since similar interruptions would have been organized as the standard method of relief for the future. I only touch upon these subjects in order to show how large a question has cropped up out of the very limited Bill now before us. It is now suggested that we should have an inquiry, and the right hon. Gentleman the Member for Greenwich tells us that he contemplates as a completion of the policy of Sir Robert Peel, that the State should take into its own hands the whole issue of the United Kingdom. I want to know what is meant by this contemplated intervention of the State; because the late Sir Robert Peel did not even propose that the issue of the Bank of England should be regulated by the State. The late Sir Robert Peel did not propose that the issues of the Bank of England, or of the English country banks, or of the banks of Scotland, or of Ireland, should be regulated by the State. On the contrary, he placed that function by law in the hands of that great corporation, the Bank of England, supplemented by the issues of the English country banks; he either suggested or suffered the continuance of the right of issue by the minor banks as well as those of the banks of Scotland, and he retained the same privilege for Ireland. This was not taking the issue of the country into the hands of the State, for that issue is committed by law to those banking corporations which have been thought worthy of the confidence of Parliament—Parliament representing the State. It is my belief that it would be most dangerous, considering the form of government in this country, and the constant changes in the depositories of power brought about by varying majorities in this House, for the State to have the regulation of the issue of notes; and that it is wiser and better that these issues should continue to be controlled by laws which are much more likely to be observed by banking corporations than by the Ministers of the day. The present system is this—We rely on the discretion of the banks of England,

Scotland, and Ireland, which have the privilege of issue. The issue of notes in this country is governed by commercial corporations, empowered by law and trusted by the State; and I believe that system is far safer for the interests of the people of England and far more consistent with their freedom than any gigantic system of issue in the hands of officers of the State. I did not intend to take part in this debate; but I beg hon. Gentlemen to remember the tremendous power and, possibly, pressure that may be brought to bear on the industry and production of this country by measures of this kind, as was manifested in 1824 and 1825 by the action of the Bank Act of 1819; to remember also the effect of the Act of 1844, which was the complement of the Act of 1819, and of the still further restrictions enacted in 1845 on the power of issuing notes, which produced or contributed to the panics of 1847, 1857, and 1866. If we are to carry these restrictions still further, I trust that Parliament will consider well before so doing the history of the effects of these disasters upon the Bank Acts. I view with no alarm the privilege of issue which the Scotch banks enjoy; on the contrary, under the wise and prudent management of those banks, that privilege of issue has contributed greatly to the prosperity of that country. If that privilege were now to be restricted in Ireland, we should lay the foundation of a grievance much more solid and real than most of those we hear so frequently advanced. It has been said in this debate that the principle adopted by the late Sir Robert Peel involves stern restrictions on the issue of notes; but, at the same time, favours the greatest freedom as regards banking. But I doubt whether in its unrestricted sense that was the opinion of Sir Robert Peel; because when the Bill of 1844 was in this House, I, on behalf of the country banks, proposed to extend to the Bank of England the power of issue from £14,000,000 on securities—its present issue, with perhaps the addition of another £1,000,000 taken up by the Bank of England when abandoned by certain provincial banks—to £22,000,000, as the limit. What was the answer of Sir Robert Peel? I am not likely to forget it. He said, that in order to secure the convertibility of the note—that is, the convertibility

of the notes issued by the Bank of England—the power of the Bank of England to issue on securities must be limited, and he maintained that the Bank of England, while it had the right of issue, had also the right to continue its banking operations, but to conduct those banking operations with reference to the securities upon which the power to issue £14,000,000 of notes is based, and the total amount of gold in its coffers, which is affected by its banking operations. I have always held that, although it is very convenient for the information of the public, that the accounts of the issue and of the banking departments shall be kept separate, it is the credit of the whole establishment of the Bank of England on which the privilege of issuing notes is granted and founded. That the security for the whole operations of the bank is one and the same—they rest on the same basis. It is useful for business purposes, useful that the trader shall be able to regulate his transactions by being able to judge from the amount of bullion in the coffers of the Bank the probable state of exchange, and hence the probable operation of the Bank upon commercial transactions and trade; but I hold that the security for the whole of the operations of the Bank of England, whether of issue or of banking, is, in fact, positively and absolutely the same.

SIR JOSEPH M'KENNA, while feeling no difficulty in accepting the Amendment of the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) thought the proposal of the Chancellor of the Exchequer preferable, as it was of wider scope. There were a great many difficulties and defects in the working of the Acts of 1844 and 1845, which had escaped general observation. The Committee should be prepared to deal with those difficulties and defects and to recommend a satisfactory solution, if the Acts were to be altered. The proposition of the right hon. Gentleman the Member for the City of London that we should have a Suspensory Act to maintain the *status quo*, in order to prevent any bank from taking advantage of the present state of the law would to a large extent prejudice the case. He understood that the Scotch banks, which alone were feared by the right hon. Gentleman, were prepared, individually, to come under terms that

they would not attempt to alter the *status quo* while the Committee was sitting. The Irish banks had been referred to, as if they enjoyed an advantage without paying for it, and as if a subsidy had been granted to them by the State. While admitting that any advantage enjoyed by one corporation and not by another was to a certain extent in the nature of a subsidy, he begged to say that the Irish banks paid the State for the advantage which they possessed. They paid 7s. per cent per annum on the total of their note circulation, although beyond a certain limit, that circulation was secured by specie which the banks were bound to retain. What he wished to impress on the House was, that the scope and powers of enquiry granted to the Committee should be as wide as possible, with a view to effect as nearly as could be done a satisfactory settlement of the question. He conceded that the right of issue should be in the hands of the State; but the State was in the habit of respecting vested interests, and he trusted that all the interests of the Irish and Scotch banks would be duly provided for in any legislation which might ensue.

MR. HANKEY said, it was evident from the remarks of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), which must have had great weight with the House, that in his opinion the time had come when the whole question must be dealt with, and if that were so, the proposal of the Chancellor of the Exchequer would be insufficient. He (Mr. Hankey) could not conceive it possible that a Committee of that House, representing particular interests as that Committee must do, could possibly take that large and general view of the question which was required, and which could properly be taken only by Her Majesty's Government. Was it possible that a Committee of that House could enter upon the investigation proposed by the Chancellor of the Exchequer without going into the question of the circulation of the Bank of England? Suppose they entered into the question of currency, as established by the Act of 1844, and the position of the Bank of England with respect to it, could it be doubted what a large and important subject that would be? He did not want to overrate the importance of the Bank of England; but its issue formed so

Mr. Newdegate

large a proportion of the currency, under the Act of 1844, that it was impossible for a Committee of that House, constituted as that Committee must be, to come to a satisfactory conclusion on the subject. If the arguments of the right hon. Gentleman the Member of Greenwich had any weight with the House and the Government, they must see that the Cabinet, and the Cabinet alone, could deal effectually with the question as a whole, for any attempt to treat it in a piecemeal fashion would not be satisfactory.

MR. BALFOUR said, he was afraid they were straying from the specific point before the House, and were losing themselves in generalities. He assumed that the Bill before the House and the whole agitation on the subject were based upon the grounds of public utility. One thing, however, was clear, and that was that if the English bankers were afraid of being damaged by their Scotch competitors, the Scotch were able to offer better terms to the public than the English could. Since that was so, it could hardly be contended that the Bill of the right hon. Gentleman the Member for the City of London (Mr. Goschen) was favourable to the interests of the public. He had received a circular asking him to vote for the Bill on the ground that his constituents were much interested in it; but the only persons who would be benefited by the measure were the shareholders of such English banks as were being thrust out of the market by Scotch banks. There were, however, two other grounds upon which the Bill was recommended; the first, the Act of 1844; and the second, the principle of justice. As for the first point, the Act of 1844 was not a Banking Act at all, but a Currency Act. The whole object of that Act was to make the currency safe and to place it above suspicion. But it could not be maintained that the presence of Scotch banks in England would throw any doubt upon the currency. As to the second point, any appeal to justice seemed rather to show that the present system was unjust. It was said that in Scotland the banks had taken advantage of the Act of 1845, and when they came to England they would use that advantage by cutting out those banks which were not similarly favoured. But nobody maintained that the banks in this country were on an

equality;—there was a marked inequality: the Bank of England was itself a monopoly. Then it was urged, that the Scotch banks were subsidized, because they did not pay, like the Bank of England, any equivalent to the State for their powers of issue, and that the Scotch Banks were thus extracting from the country the whole interest of their note issue. Though that statement had been supported by high authority, he could not think it was well founded. On the contrary, in England, private banks of issue were really subsidized by the State, because none of them had any rival in the town in which it was established. That was not the case in Scotland. There, in each town, there were 10 or 11 rival banks, which reduced by their competition the profits to the lowest point on which the business could be carried on. Upon these grounds, he should think it his duty to oppose the Bill, not because he thought restriction or privilege was good, but because the result of the right hon. Gentleman's Bill would be that we should have all the disadvantages of increased restriction, and lose all the benefits which the public now derived from the privileges of the Scotch banks.

MR. SAMPSON LLOYD said, he supported the Bill upon this plain and intelligible principle. He contended that where two rival banks existed, those banks should both be placed upon the same footing as regarded privileges, and that the one ought not to have any unfair advantage over the other. It was absurd for them to suppose that the Scotch banks were purely actuated by considerations for the public benefit. They were simply looking after themselves. Even supposing all existing monopolies were to be respected, he thought those monopolies ought not to be extended beyond the boundaries where they now existed. What were the facts under which the Bill came before them? The Act of 1845 gave the Scotch banks specially valuable and exclusive privileges—practically, a monopoly of banking business in Scotland, where they were protected against competition of any bank which could not issue notes. No such monopoly of banking existed in other parts of the Kingdom. To permit the extension of a monopoly was contrary to free trade and public policy. English banks of issue—only 174 out of 370 banks—might not

issue £1 notes—by far the largest portion of the circulation where it was permitted—might not under a very heavy penalty exceed the authorized limit by even £5, and might not issue against gold. On the other hand, all existing Scotch banks had the privilege of £1 notes, and might issue against any stock of gold which they held. The result was that, while the English circulation steadily declined, the Scotch circulation, which was authorized to the extent of of £2,749,271, actually amounted to £5,862,215. They might form some idea of the enormous value of these monopoly privileges by considering, first of all, what was the profit on the authorized notes themselves; secondly, these notes, being payable in coin only at the head office, they could keep all their tills supplied with their own notes. There were 862 local bank offices in Scotland, and if each only required £5,000 they thus got the use of £4,310,000. Then, adding £200,000 each for 11 head offices and £2,700,000 authorized note circulation, they had £9,200,000, the interest on which at 3½ per cent was over £320,000. It was important to note the argument that if they kept gold against notes they could not get profit by it. But all banks in England, as well as in Scotland, must keep a certain amount of money in their tills. In England bankers were prohibited from making use of this. In Scotland they were permitted to make use of it, by issuing notes against it. These privileges were worth to the 11 banks which possessed them not less than £300,000 per annum. Surely it was an injustice and an anomaly that Scotch banks of issue were permitted to do business in London, while English banks of issue were absolutely prohibited from doing it at all? Surely it was an injustice to grant a monopoly worth £300,000 a-year to 11 banks, and then turn them loose into England to compete with banks which had no such privilege? This Bill had been represented as a Protectionist measure. It was really one aimed against Protection. Scotch banks were strongly protected. English banks—at least 200 out of 370—had no protection at all. English banks of issue were only very partially protected. The English banks merely asked that wherever trade was carried on, the law should give equal free-

dom to all who there carried on that trade. If the interests of the public required restrictions to be imposed, such restrictions should be equally imposed on all. If public policy permitted one of several banks competing in the same town to issue notes at its head office, the other banks competing in the same town should be also permitted to issue notes at their head offices. If, on the contrary, public policy required that the issue of £1 notes and issue against gold should be forbidden to the one, they should be equally forbidden to the other. But it was said—Why complain of Scotland, and not of Ireland and the Colonies? In Ireland two banks only had offices in England. One was merely an agency; the other had no branches in the country, and was only doing banking business in London, where its head office was. Foreign and colonial banks did not compete for banking business in England. They were more merchant bankers than bankers, having no monopoly powers conferred by the British Legislature. This Bill did not seek to prevent any Scottish bank having a London agency. He should not oppose the reference of the whole of this subject to a Select Committee; but, as it was a most grave and complicated question, he hoped the Chancellor of the Exchequer would make that Committee as fair as possible, and large enough to include representatives of all class interests.

Mr. ANDERSON said, that as he had an Amendment on the Paper, the House would expect him to make a few remarks. The excellent speech they had just heard from the hon. Member for Plymouth (Mr. Sampson Lloyd) would have been a very a good speech if its object had been to advocate the removal of restrictions from English bankers; but it was in no sense a good argument for removing the privileges enjoyed by Scotch banks. He would himself have no objection to assist in removing the restrictions on English banks; but he objected to imposing them on the banks of Scotland. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had set the example of opening up a very much larger question than the Bill dealt with, and other hon. Members had followed his example, notably the hon. Member for North Warwickshire (Mr. Newdegate), who had made an

Mr. Sampson Lloyd

able speech, which would, however, have been more appropriate as a contribution to the Currency debate of the previous evening. He should like to return to the Bill immediately before the House, and in doing so, he could not avoid expressing his surprise and regret that a Liberal ex-Cabinet Minister of a Free Trade Government should be found lending his position and influence to a small knot of London bankers, for the purpose of bringing in a Bill to create new restrictions, and a new monopoly, rather than a Bill for doing away with the restrictions which already existed. This Bill was founded on a complaint that English issue banks could not come within 65 miles of London. That was the real secret of it, as was shown by the right hon. Gentleman the Member for Greenwich when he said the question had never been answered, whether it was fair that English banks should be prevented from coming within 65 miles of London, whilst Scotch and Irish banks were allowed to come to London? Well, he admitted it was not fair; but how should the unfairness be got rid of? Why, by removing the restrictions from English bankers. Any free-trader who wanted to get rid of a monopoly would adopt that plan, instead of taking away the privileges of the Scotch bankers. That was why he complained of the right hon. Gentleman the Member for the City of London, as a professed Free Trader and Liberal ex-Cabinet Minister, bringing in such a Bill as that. He had, however, been pleased to hear the right hon. Gentleman so well rebuked by the speech of his late Colleague in the Cabinet, the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair). The Bill had two aspects, and he did not think they had been sufficiently separated from each other. In one aspect it was a question affecting the Scotch banks of issue as against the English banks of issue, and in its other aspect it affected the non-issuing banks. With regard to the English banks of issue, there was nothing to prevent them going to Scotland, backed by their issue, and establishing branches there, any more than there was to prevent a Scotch bank, backed by its own issue, coming into England. Neither one nor the other took their issue with them. The right hon. Gentleman the Member for

the City of London had said that if an English bank went into Scotland to establish a branch, it must begin by subsidizing some Scotch bank, and getting the use of its notes, on which it would pay that bank a profit. That was an entire fallacy. The Scotch bank issue was at present something above £6,000,000. Its legal authorized issue without gold was only £2,700,000; therefore every penny of the authorized issue had been exhausted long ago, and on the extra issue, for which they had to keep gold, they made not a penny profit; so that if the English banks did go and use the Scotch bankers' notes, they would not be giving those bankers a farthing profit. The same thing held good in reference to competition in London by Scotch banks. The latter, having fully used up their issue at home, had already got all the profit they could have from it, and it did not assist them in their business with the English banks in London. More than that, he proposed to show that in this matter the Scotch banks were not aggressors. They had been told it was an omission in the Act of 1844 that the same restrictions were not placed upon Scotch as upon English banks; but those restrictions were created not by the Act of 1844, but by an Act of 1826, and was it to be thought that that Act, creating the 65 mile radius, would have been allowed to go on till 1844 without somebody discovering the omission, if it had been an omission, and endeavouring to get it rectified then? That was hardly credible when they knew they had so many English bankers watching all these clauses. The Royal Bank of Scotland was prohibited by its Charter from coming to England, until in 1873 it brought in a private Bill with the consent of the Bank of England, and the consent of a great many of the London bankers, to remove those restrictions and allow it to establish a bank in London; and was it to be believed, if it was intended to put a restriction on Scotch banks, that the English bankers would have allowed a special Act to be passed? Would they not have said—"The Scotch bankers ought to be under the same restrictions as the English bankers, and should not have any special privileges." That Act, given with the consent of the Bank of England, was enough to condemn the present Bill, even if there was nothing

else. But in this matter London was more the aggressor than Scotland a great deal. Scotch bankers had been driven to come to London because of the competition that came from London to them in Scotland. Many discount houses had come in to compete on the spot with Scotch bankers. That was one way of competition. Another was, that the course of business had been such that trading transactions culminated in London to a greater extent than ever before. The consequence was that Scotch mercantile houses were obliged to do a great deal of their business in London. It was natural Scotchmen should say—"We would rather do our business with our Scotch bankers than have to pay other bankers." A great deal of profitable business came to the London bankers from Scotland, and so they now hoped by the Bill to drive Scotch bankers out of England for the purpose of appropriating that snug little business to themselves. That was the whole history of the Bill. Besides it was not merely to prevent Scotch bankers coming to London. It went a great deal further. It was not merely a monopolist's Bill—it was a robbing Bill. It went the length of robbing banks by driving them out of London. If it was merely a Bill to prevent new banks from coming, it would have been a grossly monopolist Bill; but as it was, it was far worse. The business these banks now had was property they had fairly earned, and had any man a right to bring in a Bill to rob them of that? It was the same as if he were to bring in a Bill to disestablish the firm of Fruhlen and Goschen, and deprive them of the business they had established. So far as this was a matter directly between the banks, he would not have interfered with it at all. But the public interest was to be considered much more than anything else. Although the right hon. Gentleman the Member for the City of London had endeavoured to show he was consulting the public interest, he must greatly prefer the opinions expressed on the previous night by the hon. Member for Bristol (Mr. S. Morley), who said that the traders of the City of London had not enough banking accommodation, and therefore welcomed the Scotch bankers who had come to set up establishments in the City to assist them in doing their business. Why was it that Scotch bankers

were to be driven away when neither the Irish nor the Colonial bankers were to be turned out? That only meant that the right hon. Gentleman thought the Scotch bankers would have the smallest support in that House, and so would deal with them first, and after driving them out would turn round on the others and drive them out too. It seemed the Bill was to be referred to a Select Committee. He did not object to that. He therefore should not move his Amendment to reject the Bill. He understood that, under the circumstances, the right hon. Gentleman was willing to withdraw it.

MR. GOSCHEN: No.

MR. ANDERSON: Then the right hon. Gentleman means we are to read his Bill a second time?

MR. GOSCHEN: No.

MR. ANDERSON: What then?

MR. GOSCHEN said, the Bill would be shelved, but he had never said he would withdraw it.

MR. ANDERSON said, that was practically withdrawing the Bill, and he was content with that. If the Bill was to be shelved until that Committee dealt with it, it would wait a great deal more than the six months of his proposal. He was, however, very jealous of a Committee of that House on trading questions, and most of all on banking questions. There was a great trade union of bankers which was largely represented in the House. The Chancellor of the Exchequer must have seen from the speech of the right hon. Gentleman the Member for Greenwich, that necessarily a much larger question was raised here than he wished to raise. It was true the right hon. Gentleman the Member for Greenwich supported an Amendment to make the inquiry narrower still; but while the Amendment was to make the Committee narrower, the speech made the Committee a great deal wider. After that speech the right hon. Gentleman the Chancellor of the Exchequer could not narrow the Committee as much as he liked. It was too large a question to be dealt with by a Committee of the House, and therefore a Royal Commission ought to be substituted. It would have been better to have granted the Royal Commission he (Mr. Anderson) asked for on the previous night, which would have dealt with the question as well as any other. It had been sug-

Mr. Anderson

gested that there should be a Suspensory Bill proposed. That he objected to. The Scotch bankers would object to it altogether. In the first place, a Suspensory Bill would rob them of the right they possessed by law; and, in the next place, the action of the House of Commons in passing such a law would be a censure on Scotch bankers. It would be saying that Scotch bankers, in coming to London, had done that which was illegal and improper. If it was desired, Scotch bankers would be willing to agree with Government to preserve the *status quo*, but would not suffer a Suspensory Act to prevent them from doing a thing which they had a perfectly legal right to do.

MR. BIRLEY said, he thought the supporters of the Bill had just grounds for the course they had taken. Could there be any doubt that the Scotch banks at present enjoyed a large and valuable monopoly? In 1846 there were 19 joint stock banks in Scotland—there were now 11. It was impossible to find more conclusive evidence that a great and powerful monopoly existed. It was quite clear that that far-seeing statesman Sir Robert Peel, foresaw what would occur when he said the Act of 1845 would have the effect of conferring a monopoly on them, and that an exclusive power would be given to these banks which was not given to banks in other parts of the country. The banks in the North of England were not afraid of free competition in banking. They did not ask for an exclusive privilege. They were not banks of issue; they simply carried on the ordinary business of banking; but the power which the Scotch banks had in the issue of their £1 notes was so great, that gave them only time, and they might take possession of the whole southern part of the island. If they did so much upon their comparatively barren hills, what would they not do on the fruitful pastures of England. The right hon. Gentleman the Member for Greenwich had stated that he should not be surprised if a Scotch bank were established at John o'Groat's; he (Mr. Birley) should not be surprised if one were established at the Land's End. He gave the Scotch bankers every credit for remarkable talent and energy; but he asserted, without the fear of serious contradiction, that if they came here without their rights of issue, English banks would be

perfectly able to maintain an equal contest. The Scotch banks derived great advantages from the Bank of England, and from the accumulation of gold in the southern part of the island. If, as had been stated, the question of issue had nothing to do with banking, let the two be separated, leaving issue as much as possible under the control of the Government, and the business of banking to private competition. The Scotch banks combined the two, and that gave them an overwhelming power over their competitors. Taking the whole thing together, he could not but think the Bill of the right hon. Gentleman the Member for the City of London, whatever might be its defects, was founded on sound principles, and that the only way in which it could be settled, would be to deal with the whole question by a Select Committee, a course which if decided on, he should not oppose.

MR. LEVESON-GOWER said, it did not seem to him that the measure was so large as many hon. Members appeared to imagine. He should have thought from the speech of the right hon. Gentleman the Member for the City of London (Mr. Goschen) that his proposal was to deal with the banking monopoly of Scotland, or, at all events, to have some inquiry on the subject. But, so far as he could make out, his Bill had nothing whatever to do with the monopoly of Scotland. His (Mr. Leveson-Gower's) objection to the Bill was founded on the principle of free trade. As a free trader, he felt it was his duty to consult the interest of the public generally, and not of individuals or classes. The language of the circular which had been freely distributed among hon. Members by the promoters of this Bill reminded him very much of the representations which had been urged against free trade—that such and such interests were not afraid of competition, provided that competition was not unfair. Competition was always said to be unfair where advantages were offered to the public superior to those which the complaining interests could themselves afford. That was invariably the case where the competition originated in a foreign source. For instance, take the case of the agriculturist, where it was said the foreigner could export untaxed. Take the case of the paper-makers, who said they would never have

feared the competition of France, except that the exportation of rags was prohibited. He wished to secure the advantage for the public which it was well known the Scotch banks afforded. Now, he did not defend monopoly, but he did not think it fair to taunt Scotland with monopoly. That monopoly was not the production of Scotland, and it was therefore unfair to tax her with it. He was, therefore, disappointed at the course taken by the Government, for he thought they ought either to have supported or opposed the Bill on its merits. It had been forced on Scotland most unwillingly, and the only reason why Scotland did not oppose it with greater success was the bribe which was offered to the existing banks. Then it was said Scotch bankers were enormously wealthy. Surely that was a reason why the English community should profit by it. Why should they not take advantage of the great knowledge which had been brought into use for the benefit of this country? He hoped the Government would make perfectly distinct what was the nature of the proposed inquiry, because there was still considerable doubt on that subject. He would like to know whether they were merely to inquire what legal objections there were to the establishment of these banks, or whether they were going into the whole question of currency. Were they to go into the disabilities of the English bankers, the monopoly enjoyed by Scotchmen, and the whole question of Government issue? Because if they were to have an inquiry of that sort, he did not think that a Committee of that House was the proper body to conduct it. An hon. Member had suggested that the Representatives of the large commercial towns should be upon the Committee. Many hon. Gentleman who would be admirable witnesses would be very bad judges. He did not suppose any Commission could be appointed which did not include persons who entertained some previous opinion upon this subject, but persons could be appointed who would easily surrender their opinions. If hon. Members of the House who represented large commercial towns were appointed, they could not surrender their opinions.

SIR JOHN LUBBOCK said, the hon. Gentleman who had just sat down had referred particularly to the case of the

agriculturists and paper-makers; but what the English bankers complained of here was, that disabilities were placed on them by their own Legislature. They could not help what other countries did, but they had a right to ask for equal justice at the hands of their own Parliament. The hon. Member for Glasgow recommended the removal of the restrictions on English banks; but he did not think that Parliament was prepared to give to English banks the right of issuing £1 notes. The question raised by the Bill was whether it was desirable in the public interest that a monopoly should be increased in area and in value. It had, indeed, been said that the Bill was an attack upon free trade in banking; but, so far from that being the case, the supporters of the Bill were contending for free trade, while the opponents were endeavouring to uphold and extend a monopoly. The hon. Member for Glasgow (Mr. Anderson) had said that the measure had been instigated by a knot of London bankers. Speaking in the presence of a great number of country bankers, he felt sure they would all confirm him when he said that this matter was first of all taken up by the National Provincial Bank—which had recently surrendered a circulation amounting to £400,000 for the privilege of coming to London—then by other country banks, and it was only when these pressed the matter on the attention of the London bankers, that the latter took up the question. Several hon. Members had spoken as if this matter specially affected London bankers; but, in fact, the North Country bankers were those most immediately interested in the question. Had the Scotch banks a monopoly? It was no doubt true that, technically, the monopoly only existed in Scotland; but if you had two sets of banks in a country—one set with a monopoly of one half of the country, and able also to extend into the other half—it was obvious that they possessed so great an advantage as to render competition almost impossible. It was true that some of the English banks had the privilege of issuing notes, but on much less favourable terms than those enjoyed by the Scotch banks. Moreover, while the Scotch bank circulation had greatly increased since 1845, that of the English country banks, which was £9,000,000 in 1845, had now fallen to an average of

Mr. Leveson-Gower

about £5,000,000. Again, the English right of issue was exercised under such restrictions that it had no appreciable effect in preventing the establishment of new banks. That the legislation of 1845 had practically given the Scotch banks a monopoly of Scotch banking business could not be denied. *The Economist*, in a recent and very able article in support of the Bill, truly said that the law had given them "one of the greatest benefits which legislation ever conferred—the absolute monopoly of the deposits and of the business of banking in Scotland." Since 1845, though many banks had been successfully started in England, and attempts had been made to do the same in the North, not one of them had succeeded, and in 33 years not one new bank had been established in Scotland. Sir Robert Peel himself, in the debates on his Bill of 1845, described the measure as practically "a prohibition against the establishment of competing banks of issue;" and said—"I have protected the Scotch banks from competition." When Sir Robert Peel introduced his Bill, there were 19 Scotch banks, whereas now there were only 11; in fact, banking in Scotland was a sort of tontine. The Scotch banks considered that the law permitted them to come to England. His opinion on such a point was of no value. But he thought it was inconceivable that, while thus conferring such privileges on the Scotch banks, Sir Robert Peel should have meant to allow them to come into England and compete with English banks for English business. It was incredible that Sir Robert Peel did not anticipate that the Scotch banks would open branches in England if they could, since geologists told us that even the fossil footsteps of the extinct animals on the Scotch rocks point southwards. Sir Robert Peel certainly considered that he had subjected the Scotch banks to the same restrictions as had been imposed upon English bankers. In one of his speeches he enumerated the privileges he had conferred on the Scotch banks, which were denied to the English banks of issue. Now, if he had meant to give them the privilege of coming to London without surrendering their issues, he would have alluded to the subject at that time. But more than this, in one speech he expressly objected to the introduction of the Scotch system

into England. Several hon. Members having spoken in terms of high praise of the Scotch system, Sir Robert, in reply, admitted the fact with some qualifications, but he added—

"I say, Sir, that if there were the same system of banking in England as in Scotland, everything would be ruined. . . . The security of the system which prevails in Scotland rests in the amount of gold in England, and it is this which enables Scotland to dispense with an amount of bullion in proportion to its circulation."—[3 *Hansard*, lxxxi. 147.]

If any hon. Member disputed Sir Robert Peel's dictum, he (Sir John Lubbock) would ask his attention to the following facts:—The liabilities of the 11 Scotch banks, as stated in Mr. Somers's recent work, which was easily accessible to hon. Members, and written in the interests of the Scotch banks, were £82,503,000. The amount of gold held against this immense liability was, however, only £3,324,000. But more than that, the amount of notes then in circulation was returned as £5,300,000, while the authorized circulation was £2,700,000. The Scotch banks, therefore, were bound to hold £2,500,000 of gold against their notes. Out of the total of £3,300,000, therefore, £2,500,000 was held against the notes, and only £800,000 against deposits and acceptances amounting to £79,000,000. It was perfectly obvious that if it were not for the gold in England, the Scotch system could not be maintained for a moment. Under any circumstances, the Scotch banks must hold some reserve against their immense liabilities. This could not well be less than it was, so that in reality the Scotch banks enjoyed a practically unlimited right of issue, and under these circumstances any permanent competition between the English and Scotch banks was out of the question. It must be remembered that the value of the Scotch circulation was by no means to be limited to the £2,700,000 of authorized issue. The Scotch banks had 862 branches, and if it was not for their peculiar privileges, they would have to hold, say £5,000 of currency at each, making in all £4,300,000. Add to this £2,200,000 for the 11 head offices, and we had the sum of £6,500,000, which, added to the authorized issue of £2,700,000, made an amount of £9,000,000, which, at 4 per cent, was equivalent to £350,000 a-year. But even this calculation did not repre-

sent the full extent of their privileges. Any one who compared the published Returns of the English and Scotch circulations, bearing in mind the absence of £1 notes in England, would see at a glance that the Scotch Returns gave the minimum and not the average circulation of the Scotch banks. They did not, therefore, represent the true state of the case. He did not say that they were not true at the moment to which they referred, but they did not indicate the average condition. It might naturally be supposed that, having such great privileges and advantages, the Scotch banks would do business on very cheap terms; and, in fact, some hon. Members had hinted to him that the North Country banks deprecated this competition on that account. But what were the facts? Mr. Somers, in his work, gave the average rates of interest for the years 1868 to 1872, and in every case the English rate was lower, and in some cases considerably lower, than the Scotch rate. The Scotch banks enjoyed not only a subsidy, but a monopoly. As Sir Robert Peel truly said, he had protected the Scotch banks from competition, and if by the effect of law that House prevented English banks from going to Scotland, surely it ought also to prevent Scotch banks from coming to England. In reference to the former contingency, they had been told that the Oriental Bank had a branch in Edinburgh; but he believed that the staff employed there simply consisted of a man and a boy, and that it was opened as an agency for the benefit of their Indian shareholders in Scotland, and no real banking business was done there. The case of colonial and other banks coming to London had been referred to, but none of these transacted banking business in the English sense of the word. It was no doubt true that in this matter the House must look principally to the public interests; but it did appear to him that the extension of a monopoly could not in the long run be for the public interest. It must be remembered that this was not merely a question affecting private bankers; there were more than 50,000 shareholders in joint-stock banks whose property would be prejudicially affected for the benefit of the 15,000 shareholders in Scotch banks. The monopoly enjoyed by the Scotch banks enabled them to make any charges they pleased on cheques

and bills payable in Scotland. For instance, if a Scotch bank received a cheque or bill payable in any English town, it received the full amount in London, while, on the contrary, if an English bank had to collect a cheque or bill payable in Scotland, the Scotch bank always charged a commission for paying it. As regarded the circulation of £1 notes, although it might be true that the Scotch bankers would not bring their £1 notes with them, yet their notes would follow them, if they were to have branches established in England; and if they were to have a circulation of £1 notes in England, let it be after careful consideration and discussion in that House, and let it not be altogether to the advantage of one set of bankers, for it was surely unfair to this country that the advantage of such a circulation should be enjoyed by the Scotch banks alone. Since the passing of the Act of 1845, the Scotch banks had diminished in number from 19 to 11, and surely these 11 had an ample field in Scotland for their energy and their capital. It had been deemed to be for the national advantage to maintain a gold circulation in the country; but though, no doubt, the advantage of that was great, the expense was very heavy, and was thrown almost entirely on England. Under those circumstances, he hoped the Chancellor of the Exchequer would accede to the suggestion of the right hon. Gentleman the Member for the City of London, and bring in a Suspensory Bill. In moving for a Select Committee, he practically admitted *prima facie* that there was a case for the Bill then before the House. Surely, then, it would be only fair and wise to keep matters *in statu quo*, until Parliament should have had time to deal with the matter. The English banks could not, and did not, object to any fair competition; they did ask Parliament that it should be on equal terms. They submitted that the Scotch banks were in possession of a monopoly, and that to permit the extension of a monopoly was unjust in itself, contrary to the public interests, and to the whole principles of our commercial policy.

Mr. J. G. HUBBARD said, that that House was the acknowledged redresser of grievances, and the right hon. Gentleman the Member for the City of London (Mr. Goschen) had propounded a very serious grievance. He (Mr. Hub-

Sir John Lubbock

bard) would indicate what in his opinion was the grievance, who were injured by it, and what was the remedy. The grievance complained of on the part of the bankers of London and of the provinces was, that the Scotch banks had by law a privilege of issue which could not be enjoyed by any new comers, and that the circulation of £1 notes gave to them a large advantage in carrying on their ordinary banking operations. With the exception of the notoriety which the issue gave to the Scotch banks, he declined to admit that the mere fact of issue gave to the banker, who was the issuer, any advantage in the conduct of his ordinary deposit business. If the issue were unlimited, the case would be entirely different, and undoubtedly the banker would then have a very advantageous monopoly. At present he could not see that the operation of this power on the part of Scotch banks incapacitated them from demanding the free use of their capital in the ordinary process of banking and of their deposits. It was quite true that the operations of the Scotch banks were not confined to the other side of the Cheviots, but extended to this side of the Border, and that £1 notes were found circulating in Cumberland and Westmoreland. He admitted that was a grievance; but he asked again, who was injured by this grievance? He could not himself think that the London bankers were pecuniarily injured by the action of these Scotch banks. Undoubtedly, so far as having greater power, wealth, and credit were concerned, the Scotch banks were formidable competitors of the English bankers; but who would suppose that in that year of grace 1875, the London bankers would be frightened at the introduction of capital into their own business? Did they not see constantly in the City of London, some of those ancient firms, whose names were coeval with the greatness of the City, endeavouring by the conjunction of their capital to ensure a larger amount of credit and acceptances with those whose custom they sought to get? So far, therefore, as the exaggeration of the power and wealth of the Scotch banks went, he could not as a disinterested spectator admit that the English bankers had any grievance as against them; but he admitted that the exercise by these Scotch banks of the right of issue, and especially the issue of

£1 notes, was an exceptional feature in the system of currency instituted in 1844 and 1845, and did constitute a grievance. But who were the sufferers? The whole nation, for the Scotch banks were not so much monopolists as usurpers of the Royal Prerogative. They were exercising on the other side of the Border that which was the special function of the Crown—that function, which ought to be exercised for the advantage of the Exchequer, in the interests of the whole people of England, was exercised by a knot of something less than a dozen Scotch banks. That was an anomaly. It was an invasion of the rights of the nation, which had been tolerated for a period of 30 years. But he quite agreed with the view that had been expressed, that this state of things was never intended by Sir Robert Peel to be a permanent adjustment of the currency question. He judged so from the different manner in which Sir Robert Peel dealt with those with whom, at the moment, he had the power to deal. How did he deal with the Bank of England in 1844? A distinct compact, the Bank Act of that year enabled the Bank of England to issue paper to the extent of £15,000,000, and the Bank of England was required to pay £200,000 a-year to the State as due to it in virtue of that prerogative; while, at the same time, only £80,000 a-year was paid to the State in respect of all the other issues of the country. He was glad to hear the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) say that that was an opportune moment for taking up once for all the great question of the prerogative of coining, and seeing whether they could not bring it into a position more in accordance with the public rights of the country. There was, however, one point on which he could not agree with the right hon. Gentleman. Speaking clearly and distinctly of the right of the State, the right hon. Gentleman went on to make a suggestion, that as a temporary arrangement the Bill should be accepted, and a restraint put on the Scotch banks, pending the investigation about to be entered upon. He (Mr. Hubbard) must say that he most humbly but most earnestly protested against the adoption of that suggestion. It was not the duty of that House, nor was it in accordance with English principle to level inequalities

by adding new restraints. If the London banks were so fettered hand and foot that they could not compete with Scotch banks, it was not the business of the House to put handcuffs and chains upon the Scotch banks, but to take them off the English banks. He was in favour of universal liberty, not of universal coercion, and he did not think the circumstances of which London bankers complained were any justification for the suggestion of the right hon. Gentleman the Member for Greenwich. He trusted that Her Majesty's Government would stand distinctly to the position which they had taken. He understood them to oppose the second reading of this measure. After having listened attentively to the debate he felt it his duty to vote against it; but he most earnestly recommended Her Majesty's Government to accept the other suggestion of the right hon. Gentleman the Member for Greenwich, and to take the present great and favourable opportunity for reviewing the whole question, with a view to adjust it to the interests of the trading community, and restoring to the Crown a function which ought never to have been in abeyance.

MR. D. DAVIES said, his opinion was, that the bankers might very well be left to fight out this matter among themselves. He was not a banker, nor had he a shilling of interest in any bank; but he wished to call the attention of the House to one point which had not been alluded to by any previous speaker. It was, that as regarded the question of competition, banking as a trade stood in a very different position from that of any other business, such as shipping, and matters connected with railways. He did not offer any opinion as to whether they had already in England too much competition in banking, but he thought they had got quite enough of it, for it seemed as if its only result was to make some people rich who were rich enough already. There was this objection to free banking and to Scotch banks coming to London, that when the competition was great, every bank was anxious to use its surplus money, and that money was often used in making advances on rotten securities, and in the end that brought down the just with the unjust, the holy with the sinner. In 1864 a great many finance companies were brought out, which were practically

banks. They advanced money on rotten securities, and the effect of that was, that they blew themselves up, blew up the people to whom they lent the money, blew up a great many honest men, and injured thousands more. How many, in fact, had they killed, of whom it might be said they could never be revived? He thought it was not for the interests of banks to issue notes. What was the paper they issued? Nothing more nor less than a mortgage on the little capital they had, and the deposits were already a sufficient mortgage upon it. He had confidence in the Chancellor of the Exchequer, and hoped he would apply the brake, and see the safety valve right, as long as he remained in office, for we were inclined to go too fast, and that was more injurious than going too slow.

MR. CAMPBELL-BANNERMAN said, he wished to direct the attention of the right hon. Gentleman the Chancellor of the Exchequer to the condition in which the Scotch banks would be placed during the inquiry which it was proposed to institute. It had been suggested that something should be done to keep up the *status quo*. He believed that the House was entirely of that opinion, and that the Scotch banks themselves were quite willing to assent to it; but there were some circumstances in the passing of a Suspensory Bill which made them, he thought, not unjustly opposed to the proposal. As the hon. Member for Glasgow (Mr. Anderson) had pointed out, the passing of a Suspensory Bill would convey the idea that the banks had done something which was wrong, while what they had done was acknowledged on all sides to be within the law. In fact, one bank had the direct sanction of Parliament for the step which it had taken. It would, therefore, be rather unfair to place upon these banks the imputation which the passing of a Suspensory Bill would imply. He believed the Scotch bankers were all perfectly willing to declare that they would not extend their business or establish new branches while the inquiry lasted, and he thought such a declaration should be accepted, instead of placing any legislative veto upon them. At the same time, he trusted that some period would be put to the inquiry of the Committee, because as every Member would go into it with a foregone conclusion, the work might go on

Mr. J. G. Hubbard

year after year, and any prolonged delay would be unfair to those banks which had not exercised their right to come to England, and which would, during the inquiry, remain at a disadvantage as competitors with their neighbours who had exercised that right. If the *status quo* was to be maintained, some limit should be put to the sitting of the Committee. The Scotch banks would have no objection to go on as at present for two or three years.

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, that those who have been present at the discussion must feel that a great deal of light has been thrown upon a very complicated and important subject, and, although some persons may be disposed to look upon the Bill of the right hon. Gentleman the Member for the City of London (Mr. Goschen) as raising a very small point, or as being simply designed to protect the interests of one particular class in the community against another, yet all who have attended to the debate must feel that the question he has opened is a very large one, and one which presents many aspects beyond what at first appeared. I will not enter at any great length into many of the subjects which have been raised in the discussion, but there are two or three points upon which, before we proceed to a division, I should like to indicate on the part of the Government their views as to the course to be taken. The questions before us may be taken in this way—First, whether there is a case; and, secondly, if there is a case, in what direction we should look for a remedy? Then, do we need inquiry; and, if so, what is the proper form of reference; and, lastly, should we pass a measure in the nature of a Suspensory Bill? Those are the practical points to be decided. First, as to the question whether there is a case. It seems to me that the case originally made out by the right hon. Gentleman opposite, the Member for the City of London, although it is said he has not made out his position, shows that there is by general consent some inequality which ought to be recognized, and which does deserve the attention and consideration of Parliament, with a view to see whether a remedy is not required, and what that remedy should be. Some time ago the representatives of the English country banks

came to me and laid before me, with a view to some action on the part of the Government, the position in which they were placed. I admitted that the position was one which they must naturally and reasonably feel to be embarrassing and unfair, for there was truth in the argument that under the existing state of things the competition which they were called upon to maintain with the Scotch banks was not a purely fair and even competition. But it is not unequal in the sense understood by the hon. Member for Bodmin (Mr. Leveson-Gower). The English bankers do not ask simply to be protected against the Scotch; for if they had, the Government would have said—"Gentlemen, whatever is the case with regard to yourselves, the public interest is not concerned, and we have nothing further to do in the matter." The case of the English bankers is, that the competition is not an equal one, because in fact a subsidy is given on the part of Parliament to one of the competitors. It becomes, therefore, something more than a battle of the gauges, so to speak, between English and Scotch banks. It becomes a matter in which the propriety of the conduct of Parliament is called in question in respect to the unfair advantage alleged to have been given by it to one of the competing parties. It has been contended that it is not a subsidy, because all the advantages are given to the Scotch banks in Scotland, and they do not carry these advantages into England. We need not, however, go fully into the question, which has been amply debated. The statement of the case is clear. I will illustrate it by saying it resembles the case of two steamship companies plying to a distant part of the world, of which one has a subsidy to a certain point—say to the Cape—and the other has no subsidy at all. As between England and the Cape we should say the one has an advantage, but beyond that point both are free, and may compete as they please. The unsubsidized company say—"Yes; but you give our rivals the advantage on one side of the Cape, which enables them to compete with us unfairly on the other." This is the case which the English bankers make—namely, that the advantages given to the banks in Scotland enable them to compete unfairly with the banks in England. Assuming, then,

that there is a case of inequality, is it one in which the Government are bound to interfere, and, if so, in what manner? In the first place, the first thing I have to look to is, whether the public interests are involved. Having done so, it seems to me that it is a matter in which—although it does not appear so at first—public interests are deeply involved, and that by whatever step we may take we may be laying the ground for important measures hereafter. Therefore, it behoves us to be exceedingly careful as to the first step, for we ought to foresee to what it may lead us. I have also to consider some of the complications which have arisen. One of these arises from the surrender by the National Provincial Bank of its issue; another from the admission to London of the Royal Bank of Scotland in 1873, by an Act of Parliament sanctioned by the late Government for removing an obstruction which prevented its coming here; another, as to the position of the Irish banks, one of which has been admitted into the Clearing House by the London bankers themselves; and there are questions with regard to other transactions which have taken place, all of which require to be minutely and carefully weighed before one can decide what will be the just and proper line of action. Beyond that comes the question, in what direction are we to seek for a remedy? An inequality between two parties may be removed by two modes—either by placing restrictions on one party, or by removing restrictions from the other. The discussion this afternoon resolves itself into the question, which of these two courses is the more proper for the House to take? It seems the easiest plan to say—if the Scotch banks come to England, they must surrender the privileges in Scotland which give them an unfair advantage. But that is, to my mind, a very unsatisfactory solution, and one that I will not say we may not be driven to, but which I shall accept with great reluctance, because it is rather in the direction of restriction than of freedom. The Government accept in the fullest manner the principles of the legislation of 1844 and 1845, and on such a question as that the right hon. Gentleman the Member for Greenwich speaks with an authority superior even to his ordinary authority on all questions of finance and currency, because to a great extent

the right hon. Gentleman knew the mind of Sir Robert Peel, and was a Member of the Government which originated the legislation of those years. It is therefore a great satisfaction to me to hear from the right hon. Gentleman the complete confirmation of the view which I have always taken of the intention and meaning of that legislation. I understand that that meaning is this—to make a clear distinction between the two great principles of issue and of banking—to put the currency or issue under proper regulations, on the assumption that the privilege of issue belongs to the State, and that the State exercises that right of issue in such a manner as may be most for the convenience and interests of the public. At the same time, with regard to banking, the principle is, that competition should be free, and that no restriction which the State can impose can be so advantageous to the public as free banking. But I have also understood that although these were the principles which Sir Robert Peel laid down as the basis of his legislation, yet he found himself unable, from various circumstances, to carry them to their proper results. He found it impossible for the State to exercise the right of issue for its own profit, and he was obliged to leave that power to some extent in the hands of the bankers. On the other hand, he countervailed the privilege thus conferred by restrictions on the banking system. I believe this to be the truth of the case—that as far as England at least was concerned, Sir Robert Peel looked forward to the time when the provincial issues would be absorbed, and would come into the hands of the Bank of England as the agent of the State. He made certain provisions to meet the interval, and imposed restrictions on the country banks, partly to protect, but partly also to restrain their issue, and to render it their interest to make arrangements for disposing of it which might be satisfactory to all parties. In the same way, certain provisions were made which were regarded by Sir Robert Peel as of a temporary character with regard to the Scotch and Irish banks of issue. There were, however, considerations connected with those countries which made those provisions of a somewhat more durable character than those which applied to England. There is,

The Chancellor of the Exchequer

for instance, that great question of the difference of the amount of the note, which now stands on a different footing in Scotland from what it does in England, and which introduces a very serious complication into the questions we have to deal with. Well, then, how are we to deal with the restrictions that now exist? Suppose we wanted to do away with all these restrictions. Two questions would then arise—first, can you with safety, and consistently with the principles of the currency, do away with any, or all the existing restrictions? If you cannot, ought you, in order to get rid of the restrictions, to make any change with regard to the principles on which you have allowed the currency to remain in the hands of private issuers? These are questions of great magnitude and importance, and it is not desirable that a Government with a great deal of other business on its hands should take them up without first preparing the public mind and endeavouring to ascertain public opinion upon the subject, in order to see how far it is possible and desirable to go. It therefore appeared to my Colleagues and myself that the time is not favourable to our commencing any legislation; but, at the same time, we feel most fully the truth that the responsibility of proposing any legislation on the subject, when the time is ripe for it, must ultimately rest with the Government of the day. I have been twitted with allowing this matter to be taken up by a private Member. I have always said for the Government and myself that the question can never be settled permanently by any one but the Government. There is, however, a great difference between a permanent settlement of the question, and its opening by a private Member, and the appointment of a Committee of Inquiry, which would be desirable before the Government could with any hope of success bring forward a measure to give effect to their convictions. The effect of this discussion, and of the pains that will be taken by the Committee to elicit the facts, will be of very great advantage to Parliament in any legislation which may result therefrom. The right hon. Gentleman (Mr. Gladstone) intimated some doubt whether there was any necessity for inquiry by a Select Committee. If I were disposed to be personal, I might quote his

own authority against himself; because on the last important discussion when the attention of the Government was called to the subject in 1865, the right hon. Gentleman brought forward, and very nearly passed, a measure dealing with the provincial issues, and when on the third reading he was obliged to withdraw the Bill, he said—

“Her Majesty's Government, however, do not propose to abandon their intention of prosecuting the subject, and, in the absence of such an agreement as I have referred to [between the Government and country bankers] they may conceive it to be their duty to take up the question on a future occasion upon broader grounds, and they reserve to themselves the power of determining whether it would or would not be right that on the first convenient opportunity, which I am not prepared to say will occur during the short remainder of the Session, they should invite the assistance of Parliament to investigate this subject by means of a Committee.”—[3 *Hansard*, clxxix. 1123-4.]

Now the same considerations that induced the right hon. Gentleman then to think it might be desirable to have a Committee weighed with us in considering what was the best course to be taken on the present occasion. I do not imagine that any Select Committee would be able to devise, nor is there any intention that they should devise, a Code of Currency Legislation. What I ask the House to do is, to assist us by means of a Committee to investigate the question and to bring the facts fairly before the public, so as to remove doubts, and that we may have the subject fully discussed before we attempt to legislate upon it. We have been told by my right hon. Friend the Paymaster General (Mr. Stephen Cave), in the commencement of the discussion, that there is a question even as to the law of the case. That is not one of the most important points, perhaps, but it may be worth while that it should be made clear, because, while I am not prepared to say that the Scotch banks are not within the letter of the law in what they are doing, I have seen some opinions, given by persons of no inconsiderable authority, throwing great doubt upon their being in that position. My attention has also been called to this curious fact—that in the year 1849, four years after the passing of the Scotch Act, a communication was made by the then Chancellor of the Exchequer, to three Scotch banks who had opened agencies in Berwick, intimating something to them which had the effect of

causing them to withdraw their agents. I apprehend that that must have been a communication to the effect that their position was, at all events, doubtful. It will be worth while, therefore, to endeavour to obtain certainty on that point. What is more important, however, is to ascertain the truth of the matter with regard to many of those subjects that have been debated this afternoon, as to the privileges of the Scotch banks, the precise extent to which they can use the privilege of issue, whether the privilege is or is not something beyond the mere power of issuing a thousand pounds worth of notes against a thousand sovereigns; whether by the way in which the averages are taken they obtain even a greater advantage than they seem to obtain. Those points should be cleared up, and there are many other points in respect to the Scotch banks and the English issuing banks which it is extremely desirable to ascertain. No such inquiry as that now proposed has taken place for a great number of years, and none at all has ever been directed to those particular points. We have now a fair and proper opportunity of making such an inquiry. The exact point now is as to the proper form of reference. The particular reference which I propose has been challenged as being too extensive, and the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) has proposed a form of reference which I at first thought might be more strictly confined than my own. When, however, I came to examine it, I found that it opened a question which goes deeper than mine, and one which I object to have opened. The objection taken to my words is that they are too large, and that they open the question of the issue of the Bank of England. The words of my reference are that the Select Committee shall consider and report upon—

"The restrictions imposed and privileges conferred by Law on Bankers authorized to make and issue notes in England, Scotland, and Ireland respectively."

I fail to see how the issue of the Bank of England is taken out of the Order of Reference proposed by the right hon. Gentleman. He says the Committee are to consider—

"The expediency of maintaining or imposing restrictions upon issuing Bankers, so long as

they shall continue to be such, in respect of their banking business.

That is as wide a term as could be used, and it is as applicable to the Bank of England as to other banks. The right hon. Gentleman opens up the very question which Sir Robert Peel had made up his mind upon—namely, whether, if you entrust the bankers with the power of issue, you are to impose restrictions upon their banking business. So that, if we adopt the right hon. Gentleman's Order of Reference, we are really going to open up the policy of the Bank Act of 1844. I doubt, however, whether there is any great occasion to quarrel about the terms of reference, although I think mine preferable. One thing I want the House clearly to understand—that we do not propose this inquiry with a view of changing the bases of the legislation of 1844, or of questioning whether we are or are not to maintain the distinction which that Act created and recognized between Currency and Credit. That ought not to be an open question, and the Government feel that they would be guilty of a breach of propriety if they threw it down as an open question before any Committee or Commission that might be appointed. They will maintain the principle, that the issue of notes is the right of the State, and ought to be granted only upon such terms as are compatible with the public safety and convenience, while, on the other hand, banking should be as free and as open as possible. Inquiry may be invited, and may usefully be made into the friction which is found to exist in some parts of the machinery of the Bank Act. The Government desire that any points of friction which are found to exist may be carefully examined. Having thus defined the object of the Committee, I may fairly expect that the inquiry will not be of that enormous length and duration which some hon. Gentlemen apprehend. I think that even the remainder of the present Session will be quite sufficient to ascertain the main points to which our legislation should be directed. In proposing this Committee the Government maintain they are not endeavouring to shift from their own shoulders the responsibility which they admit belongs to them. We only desire to bring before the public the facts and bearings of this question. A suggestion has been made in favour

The Chancellor of the Exchequer

of passing a Suspensory Bill. The Parliamentary position of this question is this—that supposing the House should agree to the Amendment of the Government, the second reading of the Bill will not be proceeded with and the Committee will be appointed. Then, it may be asked, what will become of the Bill? I imagine it will be still in the hands of the House, and it will be competent for the right hon. Gentleman to bring it on for further consideration at a future time, if he should desire to do so, after the Committee have reported. With regard to a Suspensory Bill, it may be a question whether the right hon. Gentleman shall go on with his measure, and try and make it a Suspensory Bill, or whether he should ask leave to introduce a Bill of a different character from the present. I own I think there would be great difficulty in framing a satisfactory measure in the nature of a Suspensory Bill. I also attach great value to what has fallen from the several speakers in the debate, who have declared that a great deal of misconception would be created by such a course. At the same time, I feel that the position of the English bankers is one which naturally makes them very sensitive, and makes them feel that if nothing is done to protect them, their interests may suffer seriously while the inquiry is going on. I do not know whether we may take the statements made by several hon. Gentlemen, especially by the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), as formal assurances, that in the event of the inquiry being set on foot, not in a dilatory spirit, but with a view to bring about an early and satisfactory solution of the question, there will be no disposition on the part of the Scotch banks to push their proceedings further, and that they will be willing to let the *status quo* remain as at present. I do not suppose that the right hon. Gentleman the Member for the City will let his Bill disappear from the Orders. Perhaps, however, it can be ascertained by communication with those who are authorized to speak on behalf of the Scotch banks, whether it is not possible to come to an agreement that would be satisfactory to all parties. Such an agreement would, it appears to me, be preferable to a Suspensory Bill. I hope that the House will be prepared to adopt the course which, in the name

of the Government, has been suggested—namely, that the Bill should for the present, at all events, be laid aside, and that we should proceed to appoint a Committee upon the lines which I have indicated.

MR. LOWE: I think we are very much indebted to my right hon. Friend the Chancellor of the Exchequer for the pains which he has evidently taken with this subject. If he had been a Scotch clergyman instead of merely a lecturer on Scotch banks, he could not have mapped out his subject more clearly than he has done. I am bound to say also that I think he deserves our thanks for the very distinct and explicit manner in which he has delivered his opinion on the merits of this question. He has left us in no doubt either as to his own opinion or as to that of Her Majesty's Government. They are of opinion, as I understand, with my right hon. Friend the Member for the City of London (Mr. Goschen), that the issue of notes is a matter which belongs properly to the Sovereign Power of the State, and that it ought to be placed exclusively in the hands of the State. I understand the right hon. Gentleman further to be of opinion that it is desirable not to proceed by way of limitation in this matter, by limiting, that is to say, the power of the Scotch banks—but rather by way of equalizing the privileges of all bankers—which means, as I take it, depriving in some way or other all bankers in England, Scotland, and Ireland of the power of issuing notes and vesting that power solely in the Supreme Authority. ["No, no!"] That, I understand, to be the declaration which has been made on behalf of Government by the Chancellor of the Exchequer. I understand, moreover, that the right hon. Gentleman adopts the statement of my right hon. Friend the Member for Greenwich (Mr. Gladstone) with regard to the policy of Sir Robert Peel, and that he says Her Majesty's Government take the same view of the Bill of 1844 and the Bill of 1845 as Sir Robert Peel did. So I think nothing can be more clear, and nothing—to a person of my opinions—more satisfactory than the views which the right hon. Gentleman has laid before us. We are indebted to him not only for the clearness with which he has expressed those views, but also for the candour with which, so far as theory

goes, he has investigated the whole question. In that respect he cannot have failed to satisfy the most ardent Currency reformer. But then comes another question. As long as it is a matter of theory, nothing can exceed the boldness and fairness of the right hon. Gentleman's statement. We are met, however, by the question—What is to be done? And here I think we have some reason to say that—

“—the native hue of resolution
Is sicklied o'er with the pale cast of thought.”

I cannot say that I feel the same satisfaction when I come to consider the step which the right hon. Gentleman advises us to take. The Government have clear and distinct views on the subject. They have the power, moreover, to give effect to their wishes—a power which carries with it a great responsibility. They are met nowhere with any doubt or difficulty as to the principle of the question. Under these circumstances, it seems to me that the only thing that remains for the Government to do is to introduce a measure immediately to give effect to their views, and to put an end to all the inconveniences of the present system. If they had felt difficulties or doubts, or if they had been led away into the flowery paths in which the hon. Member for Glasgow (Mr. Anderson) tempted them to stray, the case would have been very different. But as they have surmounted all difficulties, and have reached a serene height of contemplation, where all is light and brilliant, I cannot conceive why they should falter on the very threshold of action, and tell us that while they are fully prepared, as far as opinion goes, yet they are not disposed to do anything. Nothing could be more marked than the contrast between the speculative opinions and the practical proposals of the speech of the right hon. Gentleman. As clear as he was in the former, he became vacillating and nebulous in the latter. It seems we are to have a Committee; but when I try to find out what the Committee is to do, I entirely fail in discovering any reason for its appointment. The right hon. Gentleman said something about ascertaining what profit was made by different banks from the issue of notes. That is a very pretty little inquiry, but what does the profit signify? Why should the assertion of a great principle, upon which the Cabinet and

both sides of this House were agreed, wait till you have gone into these little peddling details? Then, we were to get at the facts of the case. What facts? This is not a question of facts. It is a question of abstract opinion which has been worked out painfully and laboriously by the ablest men in the country till they have come to be pretty nearly unanimous upon the subject. It is not proposed that the theory should be considered by the Committee, but only that certain facts should be elicited. The matter is to wait till next year in order that those facts may be found out. Why wait till next year? Why lose the opportunity which we have at present? We have got a Government with strong convictions on this subject, and with an undoubted power to give effect to these convictions. It is evident the right hon. Gentleman is firmly convinced of the importance of the proposed change, and unless something is to be done, it is not fair to interfere with the operations of these Scotch banks. The only justification for interfering is, that the Government are prepared to act now, and I cannot see what state of things can give them any better assurance in taking action. I can regard the proposed Committee as nothing more nor less than a pretext for getting rid of a troublesome subject, with which the Government would rather not deal. Committees are appointed to an extent which is almost too much for human patience. Every question which is not actually before the House is either before a Committee, or before a Commission. I really think we have reached the limit beyond which the force of Committees can no further go. But who among the already over-tasked Members of this House are to carry on the inquiry which is proposed? If you assign the duty to hon. Gentlemen who are not already familiar with currency matters, they will barely have learnt their first lesson before the Committee comes to a close. And as to persons who are qualified to serve on such a Committee, such as the English, Irish, and Scotch bankers, there is not one who has not made up his mind on the subject long ago. Moreover, it is likely that the men of experience and the men whose names would give weight to the Committee are already so fully occupied that it would be impossible for them to give

Mr. Lowe

their services in this matter. I have stated some objections which occur to me as to the course pursued by the Government. It is a great step gained that the House has heard the intentions of the Government; but unfortunately the world is not governed by people's good intentions, unless they are prepared to take some step towards giving effect to them. It seems that having found out what is right, the whole object of the Government now is to find out the way not to do it. I see no good that can result from an attempt to oppose them in their course; but it is fair to point out the difficulties I have suggested as to the working of the Committee, and as to the utterly unsatisfactory nature of the inquiry which is to be delegated to it. It is very well to regulate the circulation of the currency, but there is another circulation which, I think, needs to be regulated. I mean the circulation of the blood which courses through the veins of right hon. Gentlemen opposite. I should like them to have an amount of vitality which would enable them to have the courage of their opinions and act for themselves, without seeking a shelter behind Committees and Commissions from the responsibility which properly belongs to them.

SIR EDWARD COLEBROOKE hoped that when the Committee was appointed it would not be restricted in its inquiry, but that it would be enabled to go into the question, as it affected the whole Kingdom, and not merely the action of the Scotch banks.

MR. GOSCHEN felt that, as a private Member, he had no course open to him but to leave the matter in the hands of Her Majesty's Government. He would leave the Bill however, in the hands of the House, and endeavour to confer with Her Majesty's Government as to the support they would give to a Suspensory Bill, or to some arrangement with the Scotch banks. He understood the Government to think that the present *status quo* should be no further maintained, but that they wanted time to consider what the future *status quo* should be. If he were right in that impression, he would at a later stage put himself into communication with the Chancellor of the Exchequer, if he should think it necessary. He might add, in reference to the appointment of the Committee and the terms of reference, that he did not wish to be considered as wedded to any par-

ticular form of proceeding or terms of reference.

LORD ESLINGTON suggested that the right hon. Gentleman should move the adjournment of the debate, so as to carry out his own proposition that the Bill should not now be dealt with, but should be simply "hung up."

MR. GOSCHEN said, he did not consider it necessary to take that course.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words added.

Main Question, as amended, put, and *agreed to*.

Select Committee appointed, "to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorised to make and issue notes in England, Scotland, and Ireland respectively."

And, on April 13, Committee nominated as follows:—MR. CHANCELLOR of the EXCHEQUER, MR. GOSCHEN, MR. STEPHEN CAVE, MR. CAMPBELL-BANNERMAN, SIR GRAHAM MONTGOMERY, SIR JOHN LUBBOCK, MR. HUBBARD, MR. ANDERSON, MR. MULHOLLAND, MR. LEVESON GOWER, MR. BALFOUR, MR. NORWOOD, MR. ORR EWING, MR. MUNDELLA, MR. TORR, MR. WILLIAM SHAW, MR. BECKETT DENISON, MR. BACKHOUSE, MR. KAVANAGH, MR. SAMPSON LLOYD, and MR. HUSSEY VIVIAN:—Power to send for persons, papers, and records; Five to be the quorum.

OPEN SPACES (METROPOLIS) BILL.

(Mr. Whalley, Sir George Bowyer.)

[BILL 50.] SECOND READING.

Order for Second Reading read.

MR. WHALLEY, in moving that the Bill be now read a second time, said, its object was to give facilities to not less than two-thirds of the owners of any open space in the metropolis to throw it open for public use, leaving the power to any dissatisfied owner to bring an appeal before the Local Government Board, with a view to inquiry and redress, so that the smallest objection of the humblest individual so interested might not be overruled, excepting by means of a Provisional Order of the Local Government Board sanctioned by Parliament. The hon. Member concluded by moving the second reading of the Bill.

SIR GEORGE BOWYER, in seconding the Motion, hoped the second reading would be agreed to, and the details left to be considered in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Whalley*).

SIR JAMES HOGG said, that speaking on behalf of the Metropolitan Board of Works, he must express the opinion that the measure would be quite useless. With reference to the improvement of Leicester Square, the experience as to the cost incurred and likely still to be incurred in connection with it was a warning to the Board, rather than an example, in taking upon their hands any other of the metropolitan open spaces.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

PRISONERS ON REMAND BILL.

On Motion of Mr. H. B. SHERIDAN, Bill to amend the Law relating to the treatment of Prisoners on Remand and persons awaiting bail, ordered to be brought in by Mr. H. B. SHERIDAN, Mr. LOCKE, Mr. GOUBLEY, and Mr. MACDONALD.
Bill presented, and read the first time. [Bill 99.]

House adjourned at ten minutes
before Six o'clock.

[INDEX.]

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXXII.

FIRST VOLUME OF SESSION 1875.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1^o, 2^o, 3^o, or 1^a, 2^a, 3^a, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negated.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings :"—
ARMY—NAVY—INDIA—IRELAND—SCOTLAND—PARLIAMENT—POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW—LAW AND JUSTICE—TAXATION, under WAYS AND MEANS.

ABERDARE, Lord
Criminal Law—Convict Prison at Gibraltar, 540

ACLAND, Sir T. D., *Devonshire, N.*
Education Department—New Code, 1875,
Motion for an Address, 1520
Turnpike Trusts, Res. 954

ADDERLEY, Right Hon. Sir C. B.
(President of the Board of Trade),
Staffordshire, N.
General Carriers Act (1830), Motion for a
Select Committee, 789
Marine Insurance, Motion for an Address, 1753
Mercantile Marine—Merchant Shipping Acts
—Miscellaneous Questions
Bury Head, Proposed Lighthouse on, 1184
Certification of Foreigners, 994
Emigrant Vessels, 626
Harbours of Refuge, 1050
Merchant Service, Boys for the, 627, 1049

VOL. CCXXII. [THIRD SERIES.] [cont.

ADDERLEY, Right Hon. Sir C. B.—*cont.*

Missing Vessels, 752
St. Tudwall's Road Lighthouse, 1608
Ship "Mary Ann," 554
Shipping Disasters, 754, 847
Steamship "Thornaby," 1609
Merchant Shipping Acts Amendment, Leave,
124, 848, 1696
Merchant Ships (Measurement of Tonnage),
847
Passengers Act, 1865—Surgeons in Passenger
Ships, 1604
Seal Fishery, Close Time for—International
Agreement, 1286

Adulteration of Food and Drugs Bill
(*Mr. Selater-Booth, Mr. Clare Read*)

c. Ordered ; read 1^o * Feb 12 [Bill 62]
Read 2^o, after debate Feb 19, 593
Adulteration of Beer, Question, Mr. Pemberton ; Answer, Mr. Selater-Booth Mar 4,
1183

ADVOCATE, The Lord (Right Hon. E. S. GORDON), Glasgow, &c. Universities
 Bankruptcy (Scotland) Law Amendment, 2R. 1968
 Universities (Scotland) (Degrees to Women), 2R. 1166

Africa, South—The Cape Colony—Boundary of Delagoa Bay
 Question, Lord Edmond Fitzmaurice; Answer, Mr. Bourke Mar 15, 1804

Africa, West—Slavery on the Gold Coast
 Question, Mr. W. Cartwright; Answer, Mr. J. Lowther Feb 11, 215

AGNEW, Mr. R. Vans, Wigton Co.
 Hypothec (Scotland), 2R. 1533, 1587

Agricultural Holdings (England) Bill
 (The Lord President)
 c. Question, Mr. Dodson; Answer, Mr. Ascheton Cross Feb 15, 311
 l. Presented; read 1^a, after debate Mar 12, 1680 (No. 39)

Agricultural Labourers Dwellings (Ireland) Bill
 (Mr. Bruen, Viscount Crichton, Mr. Kavanagh)
 c. Ordered; read 1^o Feb 8 [Bill 17]
 Moved, "That the Bill be now read 2^o" Mar 10, 1592
 Moved, "That the Debate be now adjourned" (Sir Joseph M'Kenna); Motion agreed to; Debate adjourned

ALEXANDER, Colonel C., Ayrshire, S.
 Army Estimates—Land Forces, 1439

Allotments Extension Bill
 (Sir Charles Dilke, Mr. Edward Jenkins, Mr. Burt)
 c. Ordered; read 1^o Feb 11 [Bill 57]

Ancient Monuments Bill
 (Sir John Lubbock, Mr. Russell Gurney, Mr. Beresford Hope, Mr. Osborne Morgan)
 c. Ordered; read 1^o Feb 8 [Bill 9]

ANDERSON, Mr. G., Glasgow
 Artizans Dwellings, 2R. 368
 Bankers Act Amendment, Leave, 141; 2R. 2000, 2004
 Criminal Law—Picking Sticks, 1604
 Currency, Motion for an Address, 1928, 1929, 1960
 Factory System (India), 76
 Navy—Admirals, Retirement of, 1605
 Marine Corps, Retirement in the, 842, 843
 —Promotion in the, 1178, 1623
 Navy Estimates—Arctic Expedition, 1356
 Naval Expenditure, Excess of, 1358
 Parliament—Business of the House, Res. 593, 1855

ANDERSON, Mr. G.—cont.

Post Office—Mails between Scotland and Ireland, 213, 214, 844
 Regimental Exchanges, Leave, 123; 2R. 661; Comm. 1821; cl. 2, Amendt. 1823, 1827
 Supply—British Embassy Houses, &c. 1361
 Stationery, &c. 1361
 Tonnage Duties, Bounties on Slaves, &c., Amendt. 1365, 1366

ANSTRUTHER, Sir W. C., Lanarkshire, S.
 Universities (Scotland) (Degrees to Women), 2R. 1135

Arctic Expedition

Question, Lord Randolph Churchill; Answer, Mr. A. Egerton Feb 15, 310; Question, Mr. Edward Reed; Answer, Mr. Hunt Feb 16, 394; Question, Mr. Fortescue Harrison; Answer, Mr. Hunt Mar 9, 1485
 Sub-Lieutenant Franklin, Question, Mr. Wait; Answer, Mr. Hunt Feb 22, 623

ARMY

MISCELLANEOUS QUESTIONS

Diphtheria at Woolwich, Question, Mr. Sherriff; Answer, Mr. Gathorne Hardy Mar 12, 1694
Household Regiments, Commissions in the—Return (No. 281), Observation, Mr. Sandford; Reply, Mr. Gathorne Hardy Mar 8, 1413
India, Age of Recruits to, Question, Colonel Mure; Answer, Mr. Gathorne Hardy Mar 11, 1607
India—Officers of Artillery in, Question, Colonel Jervis; Answer, Lord George Hamilton Feb 25, 838
Infantry Accoutrements, Question, Colonel Mure; Answer, Mr. Gathorne Hardy Feb 25, 841
Landguard Fort, Question, Colonel Jervis; Answer, Mr. Gathorne Hardy Feb 15, 308
Longford Barracks, Question, Mr. Errington; Answer, Mr. Gathorne Hardy Mar 11, 1603

Militia

Adjutants of, Question, Mr. Muntz; Answer, Mr. Gathorne Hardy Mar 12, 1696
Examinations for Commissions, Question, Mr. Agg-Gardner; Answer, Mr. Gathorne Hardy Mar 15, 1802
The Reserve and the Militia, Question, Colonel Mure; Answer, Mr. Gathorne Hardy Feb 26, 840
Receivers of Regimental Necessaries, Question, Mr. Naghten; Answer, Mr. Gathorne Hardy Mar 8, 1389
The Army Medical Service, Question, Mr. Lyon Playfair; Answer, Mr. Gathorne Hardy Mar 15, 1801
Woolwich Academy—The New Regulations, Question, Lord Monteaigle; Answer, The Earl of Pembroke; Observations, Viscount Cardwell Feb 18, 551
Yeomanry Pay and Allowances, Question, Viscount Newport; Answer, Mr. Gathorne Hardy Feb 25, 843

[cont.]

Army—Reduction of the Land Forces

Amendt. on Committee of Supply Mar 8, To leave out from "That," and add "in the opinion of this House, the assurances of friendship from all Foreign Powers mentioned in Her Majesty's Speech from the Throne, warrant a reduction in the land forces of the British Army" (*Sir Wilfrid Lawson*) v., 1398; after short debate, Question put, "That the words, &c.;" A. 224, N. 61; M. 163

Artizans Dwellings Bill

(*Mr. Secretary Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson*)

c. Motion for Leave (*Mr. Asheton Cross*) Feb 8, 97; after debate, Motion agreed to; Bill ordered; read 1^o [Bill 1]
Read 2^o, after long debate Feb 15, 335
Extension to Scotland, Questions, Mr. J. W. Barclay, Mr. Cawley; Answers, Mr. Asheton Cross Mar 4, 1182

ASHLEY, Hon. A. Evelyn, Poole

Friendly Societies, 2R. 908
Navy—Pacific Islands—Alleged Conflict with Natives, 1605
Parliament—Privilege—Dr. Kenealy, 1186, 1187, 1201

ASHETON, Mr. R., Clitheroe

Public Worship Facilities, Comm. 1531
Regimental Exchanges, Comm. cl. 2, 1841
Supply—Stationery, &c. 1361

ASTLEY, Sir J., Lincolnshire, N.

Parliament—Privilege—Personal Explanation, 396

ATTORNEY GENERAL, The (Sir R. BAGGALLAY), Surrey Mid.

Bills of Sale Act Amendment, 2R. 791
Consolidation of the Statutes, Res. 1702
Corrupt Practices at Elections, Motion for a Committee, 1525, 1527
Drafting and Revision of Acts of Parliament, Motion for a Select Committee, 574
Mitchel, John—Tipperary Election, Res. 501, 751; Address for Papers, 1274, 1800, 1801
Parliament—Boston, Borough of, Issue of a Royal Commission, 308
Parliamentary Elections (Trial of Petitions), Motion for a Select Committee, 769

BAGGALLAY, Sir R. (see ATTORNEY GENERAL, The)

BALFOUR, Major-General Sir G., Kincardineshire, N.

Army Estimates—Land Forces, 1436
Bankers Act Amendment, 2R. 1997
Bankruptcy (Scotland) Law Amendment, 2R. 1968
East India (Compensation of Officers), Motion for a Committee, 139
Hypothec (Scotland), 2R. 1578

[cont.]

BALFOUR, Major General Sir G.—cont.

Navy—Royal Marines, Officers of the, 1623
Regimental Exchanges, 2R. 675, 997; Comm. 1822; cl. 2, 1837
Wild Animals (Scotland), 2R. 448

Bankers Act Amendment Bill

(*Mr. Goschen, Mr. Weguelin, Mr. Baring*)

c. Resolution in Committee Feb 8, 140; after short debate, Bill ordered; read 1^o [Bill 10]
Moved, "That the Bill be now read 2^o" Mar 17, 1969

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider and report upon the restrictions imposed and privileges conferred by Law on Bankers authorized to make and issue notes in England, Scotland, and Ireland respectively" (*Mr. Stephen Cave*) v.; after long debate, Question, "That the words, &c.," put, and negatived

Words added; main Question, as amended, put, and agreed to; Select Committee appointed; List of the Committee, 2030

Bank Holidays Act (1871) Extension and Amendment Bill

(*Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loghlen*)

c. Ordered; read 1^o Feb 8 [Bill 30]
Moved, "That the Bill be now read 2^o" Feb 24, 795

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Wilson*); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 90, N. 64; M. 26

Main Question put, and agreed to; Bill read 2^o

Bankruptcy (Scotland) Law Amendment Bill (Mr. Fortescue Harrison, Mr. Anderson, Mr. William Holms)

c. Ordered; read 1^o Feb 8 [Bill 7]
Read 2^o, after short debate Mar 17, 1962

BARCLAY, Mr. J. W., Forfarshire

Artizans Dwellings—Extension to Scotland, 1182
Cattle Disease (Ireland)—Compulsory Slaughter, 213
Currency, Motion for an Address, 1937
Hypothec (Scotland), 2R. 1549, 1554
Marine Insurance, Motion for an Address, Amendt. 1739
Turnpike Trusts and Tolls (Scotland), 843
Wild Animals (Scotland), 2R. 422, 445, 451

BASS, Mr. M. T., Derby Bo.

Navy—"Britannia" Cadet Training Ship, 1627

BEACH, Right Hon. Sir M. E. HICKS—(Chief Secretary for Ireland), Gloucestershire, E.

Chimney Sweepers Act—Climbing-boys at Limerick, 1177
Criminal Law—Imprisonment of a Blind Boy at Drogheda, 307, 555

BRACH, Right Hon. Sir M. E. Hicks—*cont.*

- Glebe Lands (Ireland), 2R. 794
 Ireland—Miscellaneous Questions
 Cattle Disease—Compulsory Slaughter, 213
 Colorado Beetle, 77
 Constabulary, 749, 838, 1609
 Convict Service—Mountjoy Female Prison, 216
 Disfranchisement of Cashel and Sligo, 213
 Dublin Main Drainage Act (1871), 846
 Education, Intermediate, 1181
 Fisheries Report (1874), 1391
 Irish Constabulary—Pensioners, 992
 Irish Manuscripts, Translation of, 837
 Irish Reproductive Loan Fund—Loans to
 Irish Fishermen, 77, 1390
 Linen Trade—Civil Bill Officers, 1806
 Local Taxation—Grand Jury Laws, 750
 National Schools—Schoolmasters, 161, 1808
 National School Teachers, 992
 Oyster Beds on the Irish Coasts, 1484
 Petty Sessions Clerks, Salaries of, 214
 Pharmaceutical Society—Grand Jury System, 215
 Poor Law—System of Rating, 214
 Release of Ribbonmen, 845
 Shannon Drainage Act (1874), 1288
 Tyrone, Crown Solicitor for, 310
 Ireland—Mountjoy Female Prison, Motion for Papers, 914
 Matrimonial Causes and Marriage Law, 2R. 1592
 Peace Preservation (Ireland), Leave, 556, 998, 1053
 Supply—County Prisons and Reformatories (Ireland), 1364
 Local Government Board (Ireland), 1362
 Survey and Valuation of Ireland, 1363

BEAUCHAMP, Earl (Lord Steward of the Household)

- Chimney Sweepers Act—George Brewster, Case of, 392
 Church Building and Restoration, Return, 550
 Ecclesiastical Commissioners—26th Report, 1283
 Parliament—Queen's Speech—Her Majesty's Answer to the Address, 241
 Police Magistrates, Metropolis (Salaries), 2R. 1387
 Primary Education (Ireland) Commission (1870), Res. 1333
 Theatres—Lord Chamberlain's Jurisdiction, 1282

BEAUMONT, Major F. E. B., *Durham, S.*

Regimental Exchanges, Comm. 1246

BELPER, Lord

- Metropolis Water Supply, 986
 Patents for Inventions, 2R. 926

BENTINCK, Mr. G. W. P., *Norfolk, W.*

- Merchant Shipping Acts Amendment, 848
 Navy Estimates—Men and Boys, and Royal Marines, 1677
 Parliament—Address in Answer to the Speech, 79, 93
 Rules and Orders, &c. 489

BERESFORD, Colonel F. M., *Southwark*

- Navy Stores—Prison Labour, 1182
 Parliament—Address in Answer to the Speech, 86
 Sittings of the House, 1888

Bills of Sale Act Amendment Bill

(*Mr. Lopes, Mr. Gregory*)

- c. Ordered; read 1^o * Feb 8 [Bill 8]
 Read 2^o, after short debate Feb 24, 790

BIRLEY, Mr. H., *Manchester*

- Bankers Act Amendment, 2R. 2005

Bishopric of Saint Albans Bill

(*Mr. Secretary Cross, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson*)

- c. Motion for Leave (*Mr. Assheton Cross*) Mar 12, 1772; after short debate, Motion agreed to: Bill ordered; read 1^o * [Bill 95]

BOLCKOW, Mr. H. W. F., *Middlesboro*

- Police Superannuation, 991

BOORD, Mr. T. W., *Greenwich*

- Metropolis Local Management Acts Amendment, 2R. 1952

Borough Franchise (Ireland) Bill

(*Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan*)

- c. Ordered; read 1^o * Feb 8 [Bill 28]

Boroughs and Populous Places (Scotland)**Gas Supply Bill**

(*Sir Wyndham Anstruther, Mr. Orr Ewing, Mr. Grievie, Mr. William Holms*)

- c. Ordered * Feb 23

BOURKE, Hon. R. (Under Secretary of State for Foreign Affairs), *Lynn Regis*

- Cape Colony—Delagoa Bay, Boundary at, 1804
 Copyright, 313
 Foreign Office—Defective Lifts, 161
 International Copyright, Leave, 235
 Monastic and Conventual Institutions, 313, 1183
 Spain—Jenken, Mr. H. D., Case of, 1052
 Recognition of the Existing Government, 312
 Sloop "Lark," Seizure of the, 1806
 Supply—Diplomatic Services, 1365
 Uruguay—Monte Video, Atrocities in, 943

BOWYER, Sir G., *Wexford Co.*

- Corrupt Practices at Elections, Motion for a Committee, 1527
 Friendly Societies, Leave, 120
 Mitchel, John, Case of, 420;—Tipperary Election, Res. 539
 Municipality of London, Leave, 238
 Open Spaces (Metropolis), 2R. 2030
 Parliament—Address in Answer to the Speech, 78
 Parliamentary Elections (Trial of Petitions), Motion for a Select Committee, 771

BRADY, Dr. J., *Leitrim Co.*

Post Office—Ballinamore, Telegraph Office at, 311

BRAND, Right Hon. H. B. W., (*see* SPEAKER, The)

BRASSEY, Mr. T., *Hastings*

Marine Insurance, Motion for an Address, 1727
Merchant Shipping Acts Amendment, Leave, 133

Navy—Boilers, Report of Committee on, 1047

BRIGHT, Right Hon. J., *Birmingham*

Parliament—Privilege—Dr. Kenealy, 1200
Turnpike Trusts, Res. 960

BRIGHT, Mr. R., *Somersetshire, E.*

Parliament—Rules and Orders, &c. 488

BRISE, Colonel S. B. RUGGLES-, *Essex, E.*

Education in Rural Districts, Res. 1088
Local Taxation—Collection of Rates, 1879

BROWN, Mr. A. H., *Wenlock*

Army Estimates—Land Forces, 1442
Friendly Societies, 2R. 862
Regimental Exchanges, Comm. 1823; *cl.* 2, 1831, 1904

BRUCE, Hon. T. C., *Portsmouth*

Navy—Warrant Officers, 1630

BUCCLEUCH, Duke of

Supreme Court of Judicature Act (1873)
Amendment, Comm. 1174

Building Societies Act (1874) Amend-
ment Bill

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

c. Ordered; read 1^o Feb 22 [Bill 72]
Read 2^o Feb 25, 909

Burials Bill (*Mr. Osborne Morgan, Mr. Shaw Lefevre, Mr. M^r Arthur, Mr. Richard*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o Feb 8 [Bill 11]

BURRELL, Sir P., *New Shoreham*

India—Afghanistan—Occupation of Herat, 1803

BUTT, Mr. I., *Limerick City*

Ireland—Imperial Taxation, Incidence of, Res. 1711

CADOGAN, Earl

Metropolis Water Supply, 985

CAIRNS, Lord (*see* CHANCELLOR, The Lord)

CAMBRIDGE, Duke of (Field Marshal Commanding-in-Chief)

Criminal Law—Convict Prison at Gibraltar, 544

CAMERON, Dr. C., *Glasgow*

Friendly Societies, 2R. Amendt. 848, 909, 1488
Universities (Scotland) (Degrees to Women), 2R. 1138

CAMPBELL, Lord

Increase of the Episcopate, 3R. 1860

CAMPBELL-BANNERMAN, Mr. H., *Stirling, &c.*

Army Estimates—Land Forces, 1453
Pay and Allowances, 1469
Bankers Act Amendment, 2R. 2016
Regimental Exchanges, 2R. 634, 636, 669, 702; Comm. 1236; *cl.* 2, 1829

Canada, Dominion of

Emigration of Pauper Children, Question, Mr. Arthur Peel; Answer, Mr. Solater-Booth Mar 8, 1389

CANTERBURY, Archbishop of

Church Patronage, 2R. 832
Increase of the Episcopate, 2R. 733; Comm. add. *cl.* 1479; 3R. 1876

CARDWELL, Viscount

Increase of the Episcopate, 3R. 1870
Patents for Inventions, 2R. 934
Woolwich Academy—New Regulations, 552

CARLINGFORD, Lord

Railways—Passenger Accommodation, 618
Turkey—Roumania and Servia, 1482

CARNARVON, Earl of (Secretary of State for the Colonies)

Criminal Law—Convict Prison at Gibraltar, 546
Pacific Islanders Protection, 2R. 1857, 1859

CARTWRIGHT, Mr. W. C., *Oxfordshire*

Africa—Gold Coast, Slavery on the, 215
Burmah to China, Expedition from, 1135
Coroner's Inquests—Sir C. Lyell, the late, 1050
Parliamentary and Municipal Elections, 1801

Cattle Disease—Pleuro-Pneumonia—Compulsory Slaughter

Question, Mr. J. W. Barclay; Answer, Sir Michael Hicks-Beach Feb 11, 213

CAVE, Right Hon. S. (Judge Advocate General and Paymaster General), *New Shoreham*

Bankers Act Amendment, 2R. Amendt. 1976
Mutiny, 2R. 1593
Parliament—Sittings of the House, 1888
Regimental Exchanges, Comm. *cl.* 2, 1823

CAVENDISH, Lord F. C., *Yorkshire, W.R., N. Div.*

Education in Rural Districts, Res. 1064

CAVENDISH, Lord G. H., *Derbyshire, N.*

Turnpike Trusts, Res. 951

causing them to withdraw their agents. I apprehend that that must have been a communication to the effect that their position was, at all events, doubtful. It will be worth while, therefore, to endeavour to obtain certainty on that point. What is more important, however, is to ascertain the truth of the matter with regard to many of those subjects that have been debated this afternoon, as to the privileges of the Scotch banks, the precise extent to which they can use the privilege of issue, whether the privilege is or is not something beyond the mere power of issuing a thousand pounds worth of notes against a thousand sovereigns; whether by the way in which the averages are taken they obtain even a greater advantage than they seem to obtain. Those points should be cleared up, and there are many other points in respect to the Scotch banks and the English issuing banks which it is extremely desirable to ascertain. No such inquiry as that now proposed has taken place for a great number of years, and none at all has ever been directed to those particular points. We have now a fair and proper opportunity of making such an inquiry. The exact point now is as to the proper form of reference. The particular reference which I propose has been challenged as being too extensive, and the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) has proposed a form of reference which I at first thought might be more strictly confined than my own. When, however, I came to examine it, I found that it opened a question which goes deeper than mine, and one which I object to have opened. The objection taken to my words is that they are too large, and that they open the question of the issue of the Bank of England. The words of my reference are that the Select Committee shall consider and report upon—

"The restrictions imposed and privileges conferred by Law on Bankers authorized to make and issue notes in England, Scotland, and Ireland respectively."

I fail to see how the issue of the Bank of England is taken out of the Order of Reference proposed by the right hon. Gentleman. He says the Committee are to consider—

"The expediency of maintaining or imposing restrictions upon issuing Bankers, so long as

they shall continue to be such, in respect of their banking business.

That is as wide a term as could be used, and it is as applicable to the Bank of England as to other banks. The right hon. Gentleman opens up the very question which Sir Robert Peel had made up his mind upon—namely, whether, if you entrust the bankers with the power of issue, you are to impose restrictions upon their banking business. So that, if we adopt the right hon. Gentleman's Order of Reference, we are really going to open up the policy of the Bank Act of 1844. I doubt, however, whether there is any great occasion to quarrel about the terms of reference, although I think mine preferable. One thing I want the House clearly to understand—that we do not propose this inquiry with a view of changing the bases of the legislation of 1844, or of questioning whether we are or are not to maintain the distinction which that Act created and recognized between Currency and Credit. That ought not to be an open question, and the Government feel that they would be guilty of a breach of propriety if they threw it down as an open question before any Committee or Commission that might be appointed. They will maintain the principle, that the issue of notes is the right of the State, and ought to be granted only upon such terms as are compatible with the public safety and convenience, while, on the other hand, banking should be as free and as open as possible. Inquiry may be invited, and may usefully be made into the friction which is found to exist in some parts of the machinery of the Bank Act. The Government desire that any points of friction which are found to exist may be carefully examined. Having thus defined the object of the Committee, I may fairly expect that the inquiry will not be of that enormous length and duration which some hon. Gentlemen apprehend. I think that even the remainder of the present Session will be quite sufficient to ascertain the main points to which our legislation should be directed. In proposing this Committee the Government maintain they are not endeavouring to shift from their own shoulders the responsibility which they admit belongs to them. We only desire to bring before the public the facts and bearings of this question. A suggestion has been made in favour

The Chancellor of the Exchequer

of passing a Suspensory Bill. The Parliamentary position of this question is this—that supposing the House should agree to the Amendment of the Government, the second reading of the Bill will not be proceeded with and the Committee will be appointed. Then, it may be asked, what will become of the Bill? I imagine it will be still in the hands of the House, and it will be competent for the right hon. Gentleman to bring it on for further consideration at a future time, if he should desire to do so, after the Committee have reported. With regard to a Suspensory Bill, it may be a question whether the right hon. Gentleman shall go on with his measure, and try and make it a Suspensory Bill, or whether he should ask leave to introduce a Bill of a different character from the present. I own I think there would be great difficulty in framing a satisfactory measure in the nature of a Suspensory Bill. I also attach great value to what has fallen from the several speakers in the debate, who have declared that a great deal of misconception would be created by such a course. At the same time, I feel that the position of the English bankers is one which naturally makes them very sensitive, and makes them feel that if nothing is done to protect them, their interests may suffer seriously while the inquiry is going on. I do not know whether we may take the statements made by several hon. Gentlemen, especially by the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), as formal assurances, that in the event of the inquiry being set on foot, not in a dilatory spirit, but with a view to bring about an early and satisfactory solution of the question, there will be no disposition on the part of the Scotch banks to push their proceedings further, and that they will be willing to let the *status quo* remain as at present. I do not suppose that the right hon. Gentleman the Member for the City will let his Bill disappear from the Orders. Perhaps, however, it can be ascertained by communication with those who are authorized to speak on behalf of the Scotch banks, whether it is not possible to come to an agreement that would be satisfactory to all parties. Such an agreement would, it appears to me, be preferable to a Suspensory Bill. I hope that the House will be prepared to adopt the course which, in the name

of the Government, has been suggested—namely, that the Bill should for the present, at all events, be laid aside, and that we should proceed to appoint a Committee upon the lines which I have indicated.

MR. LOWE: I think we are very much indebted to my right hon. Friend the Chancellor of the Exchequer for the pains which he has evidently taken with this subject. If he had been a Scotch clergyman instead of merely a lecturer on Scotch banks, he could not have mapped out his subject more clearly than he has done. I am bound to say also that I think he deserves our thanks for the very distinct and explicit manner in which he has delivered his opinion on the merits of this question. He has left us in no doubt either as to his own opinion or as to that of Her Majesty's Government. They are of opinion, as I understand, with my right hon. Friend the Member for the City of London (Mr. Goschen), that the issue of notes is a matter which belongs properly to the Sovereign Power of the State, and that it ought to be placed exclusively in the hands of the State. I understand the right hon. Gentleman further to be of opinion that it is desirable not to proceed by way of limitation in this matter, by limiting, that is to say, the power of the Scotch banks—but rather by way of equalizing the privileges of all bankers—which means, as I take it, depriving in some way or other all bankers in England, Scotland, and Ireland of the power of issuing notes and vesting that power solely in the Supreme Authority. ["No, no!"] That, I understand, to be the declaration which has been made on behalf of Government by the Chancellor of the Exchequer. I understand, moreover, that the right hon. Gentleman adopts the statement of my right hon. Friend the Member for Greenwich (Mr. Gladstone) with regard to the policy of Sir Robert Peel, and that he says Her Majesty's Government take the same view of the Bill of 1844 and the Bill of 1845 as Sir Robert Peel did. So I think nothing can be more clear, and nothing—to a person of my opinions—more satisfactory than the views which the right hon. Gentleman has laid before us. We are indebted to him not only for the clearness with which he has expressed those views, but also for the candour with which, so far as theory

CRIMINAL LAW—*cont.*

The Queen v. Castro—The Tichborne Trial, Motion for an Address (*Mr. Whalley*) Feb 15, 1887 [The Motion not being seconded, was not put]

Violent Assaults—Legislation, Question, Colonel Egerton Leigh; Answer, Mr. Assheton Cross Mar 16, 1881

Vivian, Case of Christina, Question, Mr. Hopwood; Answer, Mr. Assheton Cross Feb 16, 1894

Criminal Law—Administration of Justice (*Wales*)

Amendt. on Committee of Supply Mar 8, To leave out from "That," and add "a Select Committee be appointed to inquire into the administration of justice in those portions of the Principality of Wales where the Welsh language prevails, and to consider the expediency of appointing official interpreters to attend the Courts there" (*Mr. Morgan Lloyd*) v., 1894; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Cross, Right Hon. R. A. (Secretary of State for the Home Department), *Lancashire, S.W.*

Administration of Justice (*Wales*), Motion for a Committee, 1897

Agricultural Tenancies, 811

Artizans Dwellings, Leave, 97, 114, 115; 2R. 383, 1182

Bishopric of St. Albans, Leave, 1772

Coroner's Inquests—Sir C. Lyell, the late, 1051

Criminal Law—Miscellaneous Questions

Christina Vivian, Case of, 395

Countess of Dudley's Jewels, 1179, 1392

Dangerous Exhibitions—Young Children, 1611

Imprisonment for Contempt of Court, 1880

Jewel Robberies, 1287

Master and Servant Act—Luke Hills, Case of, 1485, 1610, 1611

Picking Sticks, 1694

Political Prisoners, Release of, 942

Stalybridge, Sentence on a Child at, 1046

Violent Assaults, 1881

Durham Capitular Estates (Customary Tenants), Motion for a Committee, 1507

Early Closing Act, 1874—Temperance Hotels, 1693

Education in Rural Districts, Res. 1072

Exhibition of 1851—Report of Commissioners, 995

Explosive Substances, 216; Leave, 910, 913, 914

Factories Acts, 1874, Extension, 485; Motion for a Select Committee, 562

Factory Act, 1874—Bleach and Dye Works, 395

Factory and Workshops Act—Canal Population, 753

Irish State Prisoners, 1768

Labour Laws Commission—Final Report, 269, 627, 1177

Magistracy—Appointment of Magistrates, 553

Metropolis—Pavements, Cleansing of, 984, 1019

Cross, Right Hon. R. A.—*cont.*

Metropolis—Lighting, Paving, and Cleansing, Res. 197

Mines, Inspectors of, 943

Municipal Elections, 2R. 1771

New Forest Shakers—Arrest of Miss Wood, 1393

Police Superannuation, 991

Pollution of Rivers (Scotland), 1285

Public Worship Facilities, Comm. 1531

Turnpike Trusts and Tolls (Scotland), 843

Waste Lands, Inclosure of, 1176

Westminster Abbey—Burials, 1047

CROSS, Mr. J. K., *Bolton*

India—Import Duties on Cotton Goods, 1484

CUBITT, Mr. G., *Surrey, W.*

Durham Capitular Estates (Customary Tenants), Motion for a Committee, 1501

CUNINGHAME, Sir W. J. M., *Ayr, &c.*

Hypothec (Scotland), 2R. 1555

Currency—Bank Acts of 1844 and 1845

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the operation of the Bank Acts of 1844 and 1845" (*Mr. Anderson*) Mar 16, 1928; after debate, Question put; A. 47, N. 133; M. 86

DALRYMPLE, Mr. C., *Buteshire*

Artizans Dwellings, 2R. 376

Education (Scotland) Act, 1872—Loans for School Buildings, 840

Factories Acts, 1874, Extension, Motion for a Select Committee, 566

Hypothec (Scotland), 2R. 1561

India—Leave of Uncovenanted Civil Servants, 555

Pollution of Rivers (Scotland), 1285

DAVENPORT, Mr. W. BROMLEY-, *Warwickshire, N.*

Parliament—Privilege—Dr. Kenealy, 1199

Turnpike Trusts, Res. 959

DAVIES, Mr. D., *Cardigan*

Bankers Act Amendment, 2R. 2015

Dean Forest and Hundred of Saint

Briavels Bill (*Mr. William Henry*

Smith, Mr. Chancellor of the Exchequer)

c. Ordered; read 1^o Mar 1

[Bill 78]

DENISON, Mr. C. BECKETT-, *Yorkshire, W. R., E. Div.*

General Carriers Act (1830), Motion for a Committee, 1368

Metropolis—Lighting, Paving, and Cleansing, Res. 197

Supply—Diplomatic Services, 1365

Stationery, &c. 1361

Tonnage Duties—Bounties on Slaves, &c. 1365

Wellington Monument, 1360

DERBY, Earl of (Secretary of State for Foreign Affairs)

Spain—Government, Recognition of the, 1384
 Supreme Court of Judicature Act (1873)
 Amendment, Report, Bill withdrawn, 1377
 Turkey—Servia and Roumania, Commercial
 Treaties with, 305, 836, 1483

DILKE, Sir C. W., *Chelsea, &c.*

Friendly Societies, 271; 2R. 899
 Metropolitan Water Supply, 1347
 Supply—Civil Contingencies Fund, Amendt.
 1366, 1367

DILLWYN, Mr. L. L., *Swansea*

Exhibition of 1851—Report of Commissioners,
 995
 Friendly Societies, 270
 New Forest Shakers—Arrest of Miss Wood,
 1393
 Parliament—Business of the House, Res.
 Amendt. 203, 593, 1885
 Regimental Exchanges, Comm. cl. 2, Motion
 for reporting Progress, 1831, 1833

DISRAELI, Right Hon. B., (First Lord

of the Treasury), *Buckinghamshire*
 Education in Rural Districts, Res. 1119, 1122
 India—Margary, Mr., Massacre of, at Man-
 wine, 1879
 Mitchel, John, Case of, 416;—Tipperary Elec-
 tion, Res. 493, 531
 Parliament—Miscellaneous Questions
 Address in Answer to the Speech, 67, 92, 93
 Easter Recess, 1613, 1614, 1807
 House of Commons—Sergeant-at-Arms,
 998
 Privilege—Dr. Kenealy, 1192, 1202
 Rules and Orders, &c. 487, 489
 Sittings of the House, 309
 Parliament—Business of the House, Res. 208,
 588, 1698, 1883
 Parliament—Privilege—Offensive Language
 referring to Irish Members, Res. 329
 Regimental Exchanges, 2R. 711; Comm. 1264;
 Preamble, 1273, 1288; cl. 2, 1843, 1850,
 1852
 Stroud Writ, Res. 185
 Turnpike Trusts, Res. 962

DIXON, Mr. G., *Birmingham*

Educational System—Compulsory Attendance,
 942
 Education Department—New Code, 1875, Mo-
 tion for an Address, 1508
 Education in Rural Districts, Res. 1077, 1081
 Post Office—Montserrat, Mails to, 622

DODDS, Mr. J., *Stockton*

Municipal Elections, 2R. 1770, 1771
 Parliament—Sittings of the House, 1888
 Regimental Exchanges, 2R. 711

DODSON, Right Hon. J. G., *Chester*

Agricultural Tenancies, 311
 Education in Rural Districts, Res. 1090
 Friendly Societies, 2R. 908
 Parliament—Rules and Orders, &c. 489

DONOUGHMORE, Earl of

Parliament—Address in Answer to the Speech,
 7

DOUGLAS, Sir G. H. S., *Roxburghshire*

Hypothec (Scotland), 2R. 1577

Dover Pier and Harbour Bill

(*Sir Charles Adderley, Mr. Cavendish Bentinck,*
Mr. William Henry Smith)

c. Motion for Leave (*Sir Charles Adderley*) Mar 4,
 1276; Moved, "That the Debate be now
 adjourned;" Motion withdrawn; Bill or-
 dered; read 1^o [Bill 84]

DUFF, Mr. R. W., *Banffshire*

Hypothec (Scotland), 2R. 1583

DUNDAS, Hon. J. C., *Richmond*

Wild Animals (Scotland), 2R. Amendt. 430

DYKE, Mr. W. H. (Secretary to the

Treasury), *Kent, Mid*
 Mitchel, John, Case of, 420

**Early Closing Act, 1864 — *Temperance*
*Hotels***

Question, Mr. Wilson; Answer, Mr. Assheton
 Cross Mar 12, 1693

EARP, Mr. T., *Newark*

Supply—Stationery, &c. 1361

East India Home Government (Pensions)

Bill (*Lord George Hamilton, Mr. William*
Henry Smith)

c. Considered in Committee Feb 15, 390

Resolution reported, and agreed to; Bill
 ordered * Feb 22

Read 1^o * Feb 25

[Bill 74]

Read 2^o * Mar 9

Committee; Report Mar 12, 1770

Moved, "That the Bill be now read 3^o"
 Mar 15, 1853

Amendt. to leave out from "That," and add
 "it is inexpedient for Parliament to impose
 any new charges on the revenues of India
 until the Select Committee which has been
 appointed to investigate the Indian home
 charges has completed its inquiry" (*Mr.*
Fawcett) v.; after short debate, Question
 put, "That the words &c.;" A. 138, N. 72;
 M. 66

Main Question proposed, "That the Bill be
 now read 3^o;" Moved, "That the debate be
 now adjourned" (*Mr. Sullivan*); Question
 put, and agreed to; debate adjourned

EDUCATION***Elementary Education Act***

Compulsory Attendance—Legislation, Question,
 Mr. Dixon; Answer, Viscount Sandon Feb 26,
 942

Loans to School Boards, Question, Mr. Tre-
 mayne; Answer, Viscount Sandon Mar 1,
 993

Education Department—New Code, 1875

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that the New Code be amended by the omission of Article 19 D" (*Mr. Dixon*) *Mar* 9, 1808; after debate, Motion withdrawn

EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), *Lancashire, S.E.*

Aroctic Expedition, *The*, 310

Navy Estimates—Aroctic Expedition, 1357

EGERTON, Hon. Wilbraham, *Cheshire, Mid.*

Education in Rural Districts, *Res.* 1116, 1119, 1120

Turnpike Trusts, *Res.* 952

ELCHO, Lord, *Haddingtonshire*

Army Estimates—Land Forces, 1445

Hypothec (Scotland), 2R. 1585

Municipality of London, *Leave*, 236, 239

Regimental Exchanges, 2R. 656

Election of Aldermen (Cumulative Vote) Bill (*Mr. Heygate, Mr. Fawcett, Mr. Morley, Mr. Wheelhouse*)

c. Ordered; read 1^o *Feb* 8

[Bill 37]

Elementary Education Act—Education in Rural Districts—Agricultural Children

Moved, "That, in the opinion of this House, it is undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in other branches of industry" (*Mr. Fawcett*) *Mar* 2, 1054

Amendt. to leave out from "undesirable" and add "to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories" (*Mr. Pell*), *v.* 1067; after debate, Question put, "That the words, &c.;" A. 140, N. 229; M. 80

Division List, A. and N. 1116

Question proposed, "That 'to withhold from children employed in agriculture the advantages secured to children employed in other branches of industry by the services of Her Majesty's Inspectors of Factories,' be added instead thereof;" Moved, "That the debate be now adjourned" (*Mr. Walsh*); negatived

Question again proposed; after further short debate, Question put; A. 150, N. 226; M. 76

Amendt. after "undesirable," to add "considering the limited experience of the working of the Agricultural Children Act, to legislate further on that subject at the present time" (*Mr. Wilbraham Egerton*); Question proposed, "That those words be there added;" Moved, "That the debate be now adjourned" (*Mr. Locke*); A. 144, N. 227; M. 83

Elementary Education Act—Education in Rural Districts—Agricultural Children—cont.

Question again proposed, "That those words be there added;" Moved, "That this House do now adjourn" (*Mr. Macgregor*); A. 224, N. 41; M. 183

Elementary Education (Compulsory Attendance) Bill

(*Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan*)

c. Ordered; read 1^o *Feb* 8

[Bill 16]

Elementary Education Provisional Order Confirmation (Brighton) Bill [H.L.]

(*The Lord President*)

l. Presented; read 1^a *Mar* 8

(No. 32)

Elementary Education Provisional Orders Confirmation (Caister, &c.) Bill [H.L.]

(*The Lord President*)

l. Presented; read 1^a *Feb* 12

(No. 14)

ELLIOT, Lord

Increase of the Episcopate, *Comm. add. cl.* 1479

ELPHINSTONE, Lord

Navy—Training Boys, *System of*, 1382

ELPHINSTONE, Sir J. D. H., *Portsmouth*

Hypothec (Scotland), 2R. 1566

Wild Animals (Scotland), 2R. 442

Epping Forest Bill

(*Lord Henry Lennox, Mr. William Henry Smith*)

c. Ordered; read 1^o *Feb* 9

[Bill 52]

Read 2^o *Feb* 25

Order for Committee read; Moved, "That Mr.

Speaker do now leave the Chair" *Mar* 1, 1039; after short debate, Motion withdrawn

Moved, "That the Order that the Bill be committed be discharged; That the Bill be referred to a Select Committee" (*Mr. W. H. Smith*); Motion agreed to; List of the Committee, 1040

Committee (*on re-comm.*); Report, after short debate *Mar* 11, 1678

ERRINGTON, Mr. G., *Longford Co.*

Army—Longford Barracks, 1603

Ireland—Irish Pharmaceutical Society—Grand Jury System, 215

ESLINGTON, Lord, *Northumberland, S.*

Bankers Act Amendment, 2R. 2030

Durham Capitalist Estates (Customary Tenants), Motion for a Committee, 1497

Friendly Societies, 2R. 863

Marine Insurance, Motion for an Address, 1745

Merchant Shipping Acts Amendment—Liability Clause, 1696

Supply—Stationery, &c. 1362

European Assurance Society Arbitration Bill [H.L.] (*The Lord Chancellor*)

l. Presented, and referred to the Examiners Mar 2, 1945

EWING, Mr. A. Orr, Dumbartonshire
Ireland—Imperial Taxation, Incidence of, Res. 1721

Universities (Scotland) (Degrees to Women), 2R. 1149

Wild Animals (Scotland), 2R. 450

EXCHEQUER, CHANCELLOR of the (*see*
CHANCELLOR of the EXCHEQUER)

EXETER, Bishop of
Church Patronage, 2R. 825
Increase of the Episcopate, 2R. 730; *add. cl.* 1474, 1475, 1481, 1482

Exhibition of 1851—Report of the Commissioners

Question, Mr. Dillwyn; Answer, Mr. Assheton Cross Mar 1, 995

Explosive Substances Bill

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Mr. William Henry Smith*)

c. Legislation—Question, Mr. Whitwell; Answer, Mr. Assheton Cross Feb 11, 216
Resolution in Committee; after short debate, Bill ordered; read 1^o Feb 25, 910 [Bill 76]

Factories (Health of Women, &c.) Act, 1874

Bleach Works and Dye Works, Question, Mr. Macdonald; Answer, Mr. Assheton Cross Feb 16, 395

Factories Acts Consolidation, Question, Mr. Tennant; Answer, Mr. Assheton Cross Feb 18, 485

Factories and Workshops Acts—The Canal Population, Question, Mr. William Price; Answer, Mr. Assheton Cross Feb 23, 753

Factories (Health of Women, &c.) Act, 1874, Extension

Amendt. on Committee of Supply Feb 19, To leave out from "That," and add "a Select Committee be appointed to ascertain and report how far it is expedient and practicable to extend the provisions of the Factories (Health of Women, &c.) Act, 1874, to manufactures and occupations other than textile, and further to consider and report upon the consolidation of all existing Factory and Workshop Regulation Acts" (*Mr. William Holms*) *v.*, 556; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

FAWCETT, Mr. H., Hackney

East India Home Government (Pensions), 3R. Amendt. 1852, 1855

Education in Rural Districts, Res. 1054, 1115

Parliamentary Elections (Returning Officers), 2R. 412

FITZGERALD, Right Hon. Sir W. S., Horseham

Artisans Dwellings, 2R. 359

Regimental Exchanges, Comm. 1233, 1236

FITZMAURICE, Lord E. G., Calne

Cape Colony—Delagoa Bay, Boundary at, 1804

Consolidated Fund, 3R. 1927

Metropolitan Board of Works—Liabilities, Annual Statement of, 1181

Parliament—Address in Answer to the Speech, 84

Pearl Fishing Boats, Destruction of—H.M.S. "Thetis," 1804

FLOYER, Mr. J., Dorsetshire

Education in Rural Districts, Res. 1080

FORDYCE, Mr. W. D., Aberdeenshire, E.

Wild Animals (Scotland), 2R. 441

Foreign Loans Registration Bill

(*Mr. Henry B. Sheridan, Mr. M. Lagan*)

c. Ordered; read 1^o Feb 11 [Bill 60]
Read 2^o, and committed to the Select Committee on Loans to Foreign States Mar 9, 1528

Foreign Loans Registration (No. 2) Bill

(*Mr. H. B. Sheridan, Mr. Charles Lewis, Mr. M. Lagan*)

c. Ordered; read 1^o Mar 11 [Bill 94]

Foreign Office—The Fatal Accident at—Defective Lifts

Question, Sir Henry Wolff; Answer, Mr. Bourke Feb 9, 160

FORSTER, Right Hon. W. E., Bradford

East India Home Government (Pensions), 3R. 1855

Education Department—New Code, 1875, Motion for an Address, 1512

Education in Rural Districts, Res. 1098, 1120, 1121

Factories Acts, 1874, Extension, Motion for a Select Committee, 563

Mitchel, John—Tipperary Election, Res. 529

Parliament—Easter Recess, 1814, 1807

Sittings of the House, Res. 1855, 1888

FORSYTH, Mr. W., Marylebone

Bills of Sale Act Amendment, 2R. 793

Drafting and Revision of Acts of Parliament, Motion for a Select Committee, 568, 575

Metropolis Valuation Act, 1869, 1343

Regimental Exchanges, Comm. cl. 2, 1897

Stroud Writ—Motion for New Writ, 285

Universities (Scotland) (Degrees to Women), 2R. 1141

FRASER, Sir W. A., *Kidderminster*

Metropolis—Pavements, Cleansing of, 983, 1049

Metropolis—Lighting, Paving, and Cleansing, Res. 190, 199

Metropolis Valuation Act, 1869, 1347

Navy—Swimming, 1630

Open Spaces (Metropolis), Leave, 209

Parliamentary Elections (Trial of Petitions), Motion for a Select Committee, 772

Supply—Law Charges, 1363

Miscellaneous Expenses, 1366

FRENCH, Hon. C., *Roscommon*

Ireland—Petty Sessions Clerks, Salaries of, 214

FRESHFIELD, Mr. C. K., *Dover*

Metropolis, Fires in the—Hydrants, 159

New Law Courts—Supreme Court of Appeal, 159

Friendly Societies Bill

(Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith)

c. Motion for Leave (*The Chancellor of the Exchequer*) Feb 8, 115; after short debate, Motion agreed to; Bill ordered; read 1^o [Bill 2]

Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer Feb 12, 270; Observations, The Marquess of Hartington; Reply, The Chancellor of the Exchequer, 303

Moved, "That the Bill be now read 2^o" Feb 25, 848Amendt. to leave out "now," and add "upon this day six months" (*Dr. Cameron*); Question proposed, "That 'now,' &c.;" after long debate, Amendt. withdrawnMain Question put, and agreed to; Bill read 2^o Question, Mr. Salt; Answer, The Chancellor of the Exchequer Mar 5, 1286*Fees to Auditors*, Question, Dr. Cameron; Answer, The Chancellor of the Exchequer Mar 9, 1488

Order for Committee postponed Mar 16, 1927

Game Laws Abolition Bill

(Mr. P. A. Taylor, Mr. Burt, Mr. Dixon, Mr. McCombie)

c. Ordered; read 1^o Feb 8 [Bill 12]**GARDNER, Mr. J. T. Agg-, *Cheltenham***

Militia—Examinations for Commissions, 1802

GARNIER, Mr. J. CARPENTER-, *Devon, S.*

Adulteration of Food and Drugs, 2R. 606

General Carriers Act (1830)Moved, "That a Select Committee be appointed 'to inquire into the operation of the Act 11 Geo. 4, and 1 Will. 4, c. 68 (commonly known as 'The General Carriers Act, 1830')'" (*Mr. Jackson*) Feb 23, 788; after short debate, Motion agreed toMoved, "That the Select Committee be composed of 19 Members" (*Mr. Jackson*) Mar 5, 1367; Motion agreed to; List of the Committee, 1368**GIBSON, Mr. E., *Dublin University***

Matrimonial Causes and Marriage Law, 2R. 1592

GILPIN, Colonel R. T., *Bedfordshire*

Land Revenue Act—Purchase of Land, 842

Regimental Exchanges, 2R. 673; Comm. cl. 2, 1840

GLADSTONE, Right Hon. W. E., *Greenwich*

Bankers Act Amendment, 2R. 1984

Regimental Exchanges, Comm. cl. 2, 1904

Glebe Lands Corporate Bodies (Ireland) Bill(Mr. Mulholland, Mr. Bruen, Viscount Crichton) c. Ordered; read 1^o Feb 9 [Bill 47]**Glebe Lands (Ireland) Bill**

(Mr. Mulholland, Mr. Bruen, Viscount Crichton)

c. Ordered; read 1^o Feb 8 [Bill 23]
Read 2^o, after short debate Feb 24, 793**GOLDNEY, Mr. G., *Chippenharn***

Durham Capitulat Estates (Customary Tenants), Motion for a Committee, Amendt. 1503, 1507

Post Office—Peninsular and Oriental Steam Navigation Company's Contract, 989

Regimental Exchanges, Comm. cl. 2, 1825

Wild Animals (Scotland), 2R. 440

GOLDSMID, Sir F. H., *Reading*

Parliament—Business of the House, Res. 203

GOLDSMID, Mr. J., *Rochester*

Metropolis Valuation Act, 1869, 844, 1341, 1345

Parliament—Business of the House, Res. 201

Post Office—Sorters and Savings Bank Clerks, 622, 623

GORST, Mr. J. E., *Chatham*

Navy—H.M.S. "Volage," 1612

Royal Marines, Officers of the, 1617

Navy Estimates—Men and Boys, and Royal Marines, 1676

GOSCHEN, Right Hon. G. J., *London*

Bankers Act Amendment, Leave, 140, 141; 2R. 1969, 2004, 2029, 2030

Merchant Shipping Acts—Steamship "Thornaby," 1609

Navy—H.M.S. "Volage," 1613

Reserve—Regulations, 1177

Navy Estimates—Arotio Expedition, 1357

Men and Boys, and Royal Marines, 1653, 1655, 1661

Regimental Exchanges, Comm. Amendt. 1204; cl. 2, 1835, 1841, 1842; add. cl. 1926

GOURLY, Mr. E. T., *Sunderland*

Mercantile Marine—East Winds—Assistance to Shipping, 1033

Merchant Shipping Acts Amendment, Leave, 134

GOURLEY, Mr. E. T.—*cont.*

Merchant Shipping Acts—Ship "Mary Ann," 554
Shipping Disasters, 847
Navy Estimates—Men and Boys, and Royal Marines, 1671
Supply—Tonnage Duties—Bounties on Slaves, &c. 1365

GOWER, Hon. E. F. LEVESON-, *Bodmin*
Bankers Act Amendment, 2R. 2006

GRANVILLE, Earl

Agricultural Holdings (England), 1R. 1692
Increase of the Episcopate, 3R. 1868, 1869
Parliament—Address in Answer to the Speech, 22, 34
Easter Recess, 1593
Parliaments, Clerk of the—Resignation of Sir John George Shaw Lefevre, K.C.B. 1370
Patents for Inventions, 1R. 265, 266; 2R. 916, 941
Spain—Government, Recognition of, 1382
Supreme Court of Judicature Act (1873) Amendment, 2R. 743; Report, Bill withdrawn, 1378

GREGORY, Mr. G. B., *Sussex, E.*

Corrupt Practices at Elections, Motion for a Committee, 1526
Drafting and Revision of Acts of Parliament, Motion for a Select Committee, 575
Hypotheo (Scotland), 2R. Amendt. 1546, 1554
Parliamentary Elections (Returning Officers), 2R. 414
Stroud Writ, Res. 184
Turnpike Trusts, Res. 950

GREY, Earl

Criminal Law—Convict Prison at Gibraltar, 548
Supreme Court of Judicature Act (1873) Amendment, Report, Bill withdrawn, 1376

GRIEVE, Mr. J. J., *Greenock*

Artizans Dwellings, 2R. 358

GUINNESS, Sir A. E., *Dublin*

Ireland—Dublin Main Drainage Act, 1871, 846

GURNEY, Right Hon. R., *Southampton*

Ecclesiastical Law, 943
Stroud Writ—Motion for New Writ, 300

HALIFAX, Viscount

Agricultural Holdings (England), 1R. 1690
Owners of Lands, &c. (England and Ireland), Returns, 1602

HAMILTON, Lord G. F. (Under Secretary of State for India), *Middlesex*

East India (Compensation of Officers), Motion for a Committee, 138
East India Home Government (Pensions), Comm. 1770; 3R. 1854, 1855

HAMILTON, Lord G. F.—*cont.*

India—Miscellaneous Questions
Afghanistan—Herat, Occupation of, 1803
Bengal Famine, 1176
Expedition from Burmah to China—Murder of Mr. Margary, 1185
Factory System, 76
Import Duties on Cotton Goods, 1485
Indian Finances, 1882
Leave of Uncovenanted Civil Servants, 555
Lucknow and Kirwee Booty, 1393
Officers of the Artillery, 839
Metropolis—St. James's Park—Footway, 1392

HAMPTON, Lord

Church Building and Restoration—Return, 550

HANBURY, Mr. R. W., *Tamworth*

Supply—Tonnage Duties, Bounties on Slaves, &c. 1365

HANKEY, Mr. T., *Peterborough*

Bankers Act Amendment, 2R. 1996
Currency, Motion for an Address, 1946
Income Tax—Exemptions, Res. 1617
Ireland—Dublin Main Drainage Act, 1871, 846
Palace of Westminster—Maclise Frescoes in the Queen's Gallery, 312

HARCOURT, Sir W. G. V., *Oxford City*

Mitchel, John—Tipperary Election, Res. 504, 513
Regimental Exchanges, Comm. 1252, 1253, 1816; *cl.* 2, 1832, 1838, 1840
Stroud Writ, Res. 170, 173; Motion for New Writ, 286

HARDCASTLE, Mr. E., *Lancashire, S.E.*

Turnpike Trusts, Res. 948

HARDY, Right Hon. Gathorne (Secretary of State for War), *Oxford University*

Army—Miscellaneous Questions
Diphtheria at Woolwich, 1695
Household Regiments, Commissions in, Return, 1413
Infantry Accoutrements, 841
Landguard Fort, 309
Longford Barracks, 1603
Medical Service, 1801
Militia Adjutants, 1697
Militia—Examinations for Commissions, 1802
Recruits to India, Age of, 1607
Regimental Necessaries, Receivers of, 1389
Reserve and the Militia, 840
Yeomanry Pay and Allowances, 843
Army—Reduction of the Land Forces, Res. 1411
Army Estimates—Land Forces, 1413, 1466, 1467
Pay and Allowances, 1469
Education in Rural Districts, Res. 1120
Mitchel, John, Tipperary Election, Res. 516, 517
Regimental Exchanges, Leave, 122; 2R. 628, 710, 997; Comm. 1216; Preamble, 1273, 1813, 1816, 1820; *cl.* 2, 1831, 1833, 1834, 1836, 1841, 1845, 1850, 1903, 1911; *add. cl.* 1926, 1927

[*cont.*]

HARDY, Mr. J. S., *Rye*

Parliament—Business of the House, 1885

HARRISON, Mr. J. F., *Kilmarnock, &c.*

Bankruptcy (Scotland) Law Amendment, 2R. 1962

Navy—Arctic Expedition, 1485

HARROWBY, Earl of

Church Patronage, 2R. 829

Increase of the Episcopate, Comm. add. cl. 1479

Supreme Court of Judicature Act (1873) Amendment, 2R. 738

HARTINGTON, Right Hon. Marquess of, *New Radnor*

Education in Rural Districts, Res. 1113

Friendly Societies, 308

Mitchel, John—Tipperary Election, Res. 523, Amendt. 538

Parliament—Address in Answer to the Speech, 53

Easter Recess, 1613

Parliament—Business of the House, Res. 207; 1697, 1698

Peace Preservation (Ireland), Leave, 1017

Regimental Exchanges, 2R. 712; Preamble, Motion for reporting Progress, 1273, 1288, 1808; Comm. cl. 2, 1827, 1844, 1845, 1851, 1917; add. cl. 1927

HATHERLEY, Lord

Increase of the Episcopate, Comm. add. cl. 1478

Patents for Inventions, 2R. 928

Supreme Court of Judicature Act (1873) Amendment, 1R. 154; 2R. 741

HAVELOCK, Sir H. M., *Sunderland*

Army Estimates—Land Forces, 1458, 1466

Regimental Exchanges, 2R. Motion for Adjournment, 711, 714; Comm. *1219, 1818; cl. 2, 1834; Amendt. 1846; add. cl. 1926

HAY, Admiral Right Hon. Sir J. C. D., *Stamford*

Navy—Royal Marines, Officers of the, 1627

Navy Estimates—Men and Boys, and Royal Marines, 1666

HAYTER, Mr. A. D., *Bath*

Merchant Shipping Acts—Emigrant Vessels, 626

Regimental Exchanges, Leave, 123; 2R. 654; Comm. add. cl. 1925

HERBERT, Right Hon. Major-General

Sir Percy E., *Shropshire, S.*

Ireland—Colorado Beetle, The, 77

Parliament—Address in Answer to the Speech, 89

HERMON, Mr. E., *Preston*

Income Tax—Exemptions, Res. 1616

HERTFORD, Marquess of (Lord Chamberlain)

Theatres—Lord Chamberlain's Jurisdiction, 1279

HEYGATE, Mr. W. U., *Leicestershire, S.*

Parliament—Business of the House, Res. 199

High Court of Justiciary (Scotland) Bill

(Mr. Charles Cameron, Mr. Macdonald, Mr.

Macintosh, Mr. William Holmes)

c. Ordered; read 1^o Feb 8

[Bill 18]

HILL, Mr. A. Staveley, *Staffordshire, W.*

General Carriers Act (1830), Motion for a

Select Committee, 789

Stroud Writ, Motion for New Writ, 284

HOGG, Lt.-Colonel Sir J. M., *Truro*

Artizans Dwellings, 2R. 349

Metropolis, Fires in the—Hydrants, 159

Metropolis Gas (New Works), 753

Metropolis—Lighting, Paving, and Cleansing, Res. 194

Metropolis Local Management Acts Amendment, 2R. Amendt. 1954

Open Spaces (Metropolis), 2R. 2031

HOLKER, Sir J. (*see* SOLICITOR GENERAL The)

HOLLAND, Mr. S., *Merionethshire*

Mercantile Marine—St. Tudwall's Road Light-house, 1608

HOLMS, Mr. J., *Hackney*

Army Estimates—Land Forces, 1444, 1468

HOLMS, Mr. W., *Paisley*

Factories Acts, 1874, Extension, Motion for a Select Committee, 556, 567

Friendly Societies, Leave, 121; 2R. 875

Valuation Returns (Metropolis), 1489

HOLT, Mr. J. M., *Lancashire, N.E.*

Friendly Societies, 2R. 880

HOME, Captain D. Milne, *Berwick*

Lunatic Paupers (England)—Grants in Aid, 1698

Regimental Exchanges, 2R. 678

HOPE, Mr. A. J. Beresford, *Cambridge University*

Bishopric of St. Albans, Leave, 1774

Marriage with a Deceased Wife's Sister, 2R. 466, 469

National Gallery—Extension of Site, 996

Parliament—Business of the House, Res. 204

Public Worship Facilities, 2R. 407; Comm. Motion for Adjournment, 1173, 1530

Universities (Scotland) (Degrees to Women), 2R. 1144

HOPWOOD, Mr. C. H., *Stockport*

Criminal Law—Christina Vivian, Case of, 394

Navy—Government Docks—Concessions to Private Firms, 484

HOUGHTON, Lord

Increase of the Episcopate, Comm. Amendt.
1470, 1473; cl. 10, 1474; add. cl. 1478

Household Franchise (Counties) Bill

(*Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, Mr. Lambert, Mr. Blennerhassett*)

Ordered; read 1^o Feb 8 [Bill 20]

HUBBARD, Right Hon. J. G., London

Bankers Act Amendment, 2R. 2012
Currency, Motion for an Address, 1939
Education Department—New Code, 1875, Motion for an Address, 1517

HUNT, Right Hon. G. W. (First Lord of the Admiralty), Northamptonshire, N.

Arctic Expedition, The, 394;—Sub-Lieutenant Franklin, 624, 1486
Consolidated Fund, 3R. 1928
Mercantile Marine—East Winds—Assistance to Shipping, 1053
Merchant Shipping Acts—Steamship “Thornaby,” 1609
Navy—Miscellaneous Questions
Admirals, Retirement of, 1605
Boilers, Report of Committee on, 1047
Engineer Officers, Pay of, 1604
Government Docks—Concessions to Private Firms, 684
H.M.S. “Albatross,” 1800
H.M.S. “Volage,” 1612, 1613
H.M. Ships—Cork Mattresses for, 1607
Launches, Religious Ceremony at, 393, 394
Marine Corps, Retirement in the, 843;—Promotion in the, 1178
Navy Stores—Prison Labour, 1182
Pacific Islands—Alleged Conflict with Natives, 1606
Pearl Fishing Boats, Destruction of—H.M.S. “Thetis,” 1804
Royal Naval Reserve—Regulations, 1177
Ships of the late Chief Constructor, 1805
Swimming, 1631
Training Ship in Dublin Bay, 485
Wooden Ships of War, Sale of, 995
Navy Estimates—Arctic Expedition, 1349, 1856
Men and Boys, and Royal Marines, 1634, 1653, 1661, 1667, 1673, 1677
Regimental Exchanges, 2R. 697
Supply—Civil Contingencies Fund, 1367
Tonnage Duties, Bounties on Slaves, &c. 1365, 1866

Hypothec (Scotland) Bill

(*Mr. Vans Agnew, Mr. Baillie Hamilton, Sir William Stirling Maxwell, Sir George Douglas*)

Ordered; read 1^o Feb 8 [Bill 5]
Moved, “That the Bill be now read 2^o”
Mar 10, 1833

Amendt. to leave out “now,” and add “upon this day six months” (*Mr. Gregory*); after long debate, Question put, “That ‘now,’ &c.,” A. 138, N. 156; M. 18

Main Question, as amended, put, and agreed to: 2R. put off

Division List, Ayes and Noes, 1590

Imprisonment for Debt Bill

(*Sir Eardley Wilmot, Mr. Staveley Hill*)

Ordered; read 1^o Mar 3 [Bill 80]

Income Tax—Exemptions

Amendt. on Committee of Supply Mar 11, To leave out from “That,” and add “in the opinion of this House, incomes not exceeding £300 per annum should be exempted from the payment of Income Tax” (*Mr. Sandford*) v., 1615; after short debate, Question put, “That the words, &c.,” A. 213, N. 77; M. 136

Increase of the Episcopate Bill [H.L.]

(*The Lord Lyttelton*)

l. Presented; read 1^o Feb 8 (No. 8)

Read 2^a, after short debate Feb 23, 719

Moved, “That the House do now resolve itself into a Committee” Mar 9, 1470

Amendt. to leave out from (“that”) and insert (“the Bill be referred to a Select Committee”) (*The Lord Houghton*); after short debate, on Question? resolved in the affirmative; then the original Motion agreed to: Committee

Report Mar 11, 1602

Read 3^a, after short debate Mar 16, 1860

On Question, That the Bill do pass?

Amendt. moved, “Until Parliament shall otherwise provide the operation of this Act shall be limited to the erection of new bishoprics at the places following:

“Guildford or Southwark, Diocese of Winchester; Bodmin or Truro, Diocese of Exeter; Southwell or Nottingham, Diocese of Lincoln; Saint Albans, Diocese of Rochester; Liverpool, Diocese of Chester” (*The Lord Cottlesloe*), 1864; after debate, on Question, resolved in the negative; Bill passed

INDIA

Afghanistan—The Occupation of Herat, Question, Sir Percy Burrell; Answer, Lord George Hamilton Mar 18, 1803

Army—Officers of Artillery in India, Question, Colonel Jervis; Answer, Lord George Hamilton Feb 25, 838

Bengal Famine—The Reports and Viceroy's Minute, Question, Mr. T. E. Smith; Answer, Lord George Hamilton Mar 4, 1176

Expedition from Burmah to China—Murder of Mr. Margary, Question, Mr. W. C. Cartwright; Answer, Lord George Hamilton Mar 4, 1185; Question, Mr. Wait; Answer, Mr. Disraeli Mar 16, 1878

Factory System, Question, Mr. Anderson; Answer, Lord George Hamilton Feb 8, 76

Import Duties on Cotton Goods, Question, Mr. J. Cross; Answer, Lord George Hamilton Mar 9, 1484

Indian Finances, Question, Mr. Onslow; Answer, Lord George Hamilton Mar 16, 1882

Leave of Uncovenanted Civil Servants, Question, Mr. Dalrymple; Answer, Lord George Hamilton Feb 19, 555

INDIA—cont.

Lucknow and Kirwee Booty—Return, Question, Mr. Ryder; Answer, Lord George Hamilton Mar 8, 1893

India — East India (Compensation of Officers)

Moved, That a Select Committee be appointed, "to inquire into the measures adopted by the Government of India under the authority of a Despatch, No. 160, dated the 8th day of August 1866, and to report whether it is expedient to insist upon the deductions from the bona fide claims of Officers referred to in an humble Address from this House of the 28th day of June 1870" (*Lord George Hamilton*) Feb 8, 188; after short debate, Motion agreed to; List of the Committee, 140

Infanticide Bill

(*Mr. Charley, Mr. Whitwell*)

c. Ordered; read 1^o * Feb 9 [Bill 43]

Inland Revenue—See Ways and Means—Miscellaneous Questions**International Copyright Bill**

(*Mr. Bourke, Mr. Raikes, Sir Charles Adderley*)

c. Resolution in Committee Feb 11, 235; after short debate, Bill ordered; read 1^o * [Bill 56] Question, Mr. E. Jenkins; Answer, Mr. Bourke Feb 15, 313

Intoxicating Liquors (Ireland) Bill

(*Mr. Sullivan, Mr. Dease*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered * Feb 18

Intoxicating Liquors (Sundays) Bill

(*Mr. Wilson, Mr. Birley, Mr. Osborne Morgan, Mr. M^r Arthur, Mr. David Jenkins*)

c. Ordered; read 1^o * Feb 8 [Bill 15]

IRELAND**MISCELLANEOUS QUESTIONS**

Bankruptcy Law—Legislation, Question, Mr. Charles Lewis; Answer, The Solicitor General for Ireland Mar 8, 1888

Cattle Disease—Pleuro-Pneumonia—Compulsory Slaughter, Question, Mr. J. W. Bareslay; Answer, Sir Michael Hicks-Beach Feb 11, 213

Criminal Law—Imprisonment of a Blind Boy at Drogheda, Question, Mr. W. Johnston; Answer, Sir Michael Hicks-Beach Feb 15, 307; Feb 19, 554

Crown Solicitor for Tyrone, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach Feb 15, 309

Customs Duties—Bank Notes, Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer Feb 22, 621; Mar 5, 1285

Dublin Main Drainage Act, 1871, Questions, Sir Arthur Guinness, Mr. Hankey; Answers, Sir Michael Hicks-Beach, The Chancellor of the Exchequer Feb 25, 846

IRELAND—cont.**Education**

Intermediate Education, Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach Mar 4, 1181

National Education — Workhouse Schools — National School Teachers, Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach Mar 1, 991; Question, Mr. O'Clery; Answer, Sir Michael Hicks-Beach Mar 15, 1807
National Schools — Schoolmasters, Question, Mr. Sheil; Answer, Sir Michael Hicks-Beach Feb 9, 161

Irish Fisheries — Inspectors' Report, 1874, Question, Mr. O'Clery; Answer, Sir Michael Hicks-Beach Mar 8, 1391

Irish Pharmaceutical Society — Grand Jury System, Question, Mr. Errington; Answer, Sir Michael Hicks-Beach Feb 11, 215

Local Taxation — The Grand Jury Laws, Question, Mr. Macartney; Answer, Sir Michael Hicks-Beach Feb 23, 750

Oyster Beds on the Irish Coasts, Question, Mr. O'Sullivan; Answer, Sir Michael Hicks-Beach Mar 9, 1484

Parliament—Representation of Ireland—Cashel and Sligo, Question, Sir Colman O'Loughlin; Answer, Sir Michael Hicks-Beach Feb 11, 212

Peace Preservation Acts, Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach Feb 19, 556; —Release of Ribbonmen—Memorials, &c., Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach Feb 25, 844

Political Prisoners, Observations, Mr. O'Connor Power; Reply, Mr. Assheton Cross; debate thereon Mar 12, 1759

Poor Law—System of Rating — Legislation, Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach Feb 11, 214

Reproductive Loan Fund — Loans to Irish Fishermen, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach Feb 8, 76; —Waterford Fishermen, Question, Mr. O'Keeffe; Answer, Sir Michael Hicks-Beach Mar 8, 1390

Salaries of Petty Sessions Clerks, Question, Mr. French; Answer, Sir Michael Hicks-Beach Feb 11, 214

Shannon Drainage Act, 1874, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach Mar 5, 1288

The Colorado Beetle, Question, Mr. Herbert; Answer, Sir Michael Hicks-Beach Feb 8, 77

The Irish Constabulary—Pensioners, Question, Mr. O'Sullivan; Answer, Sir Michael Hicks-Beach Feb 23, 749; Questions, Mr. O'Reilly, Mr. Stacpoole; Answers, Sir Michael Hicks-Beach Feb 25, 838; Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach Mar 1, 992; Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach Mar 11, 1609

The Linen Trade—Civil Bill Officers, Questions, Mr. William Johnston; Answers, Sir Michael Hicks-Beach Mar 15, 1805

Translation of Irish Manuscripts—Treasury Minute, 1857, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach Feb 25, 837

[cont.]

Ireland—Incidence of Imperial Taxation

Amendt. on Committee of Supply *Mar 12*, To leave out from "That," and add "the complaints which have been made that the Imperial Taxation of the United Kingdom presses more severely on Ireland than on Great Britain, and extracts a greater revenue from Ireland in proportion to her actual means, are worthy of the early consideration of Her Majesty's Government, with a view to the adoption of measures for the equitable distribution of the pressure of taxation, so that each of the Countries constituting the United Kingdom shall contribute to the Imperial Revenue in proportion to its actual means" (*Sir Joseph M'Kenna*) *v.*, 1703; after debate, Question, "That the words, &c.," put, and agreed to

Ireland—Irish Convict Service—Mountjoy Female Prison

Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach *Feb 11*, 216

Moved, "That there be laid before this House, Copies of any Charge or Complaint, if any, preferred against Mrs. Ellen Richardson, Deputy Matron of Mountjoy Female Prison, in reference to the circumstances stated by the Chief Secretary for Ireland to have been the reasons for removing her from the public service" [and other Documents] (*Mr. Sullivan*) *Feb 25*, 914; after short debate, Motion withdrawn

Ireland—Primary Education Commission, 1870

Amendt. on Committee of Supply *Mar 5*, To leave out from "That," and add "in order to make Primary Education in Ireland efficient, it is essential to provide well-trained teachers, fitting school buildings and teachers' residences, and adequate remuneration for the teachers; and that these objects can be best attained by supplementing the present system of training teachers by the establishment of non-vested training schools which might receive grants for teachers efficiently trained; by a contribution out of local rates to the erection and maintenance of school-houses and residences under local management, such contributions to be supplemented by grants; by continuing and extending the present system of payments for results; by requiring local contributions from rates or otherwise (a free residence to be considered as equivalent to local aid to the amount of its fair value); and by assisting teachers to obtain deferred annuities" (*Mr. O'Reilly*) *v.*, 1289; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

JACKSON, Mr. H. M., Coventry

General Carriers Act (1830), Motion for a Select Committee, 788, 1867, 1368

JAMES, Sir H., Taunton

Loans to Foreign States, Motion for a Select Committee, 772

Mitchel, John—Tipperary Election, Res. 499, 501

Parliamentary Elections (Returning Officers), 2R. 409

VOL. CCXXII. [THIRD SERIES.]

JAMES, Mr. W. H., Gateshead

Artizans Dwellings, 2R. 361

Post Office—Receiving Houses, 621

Public Health—Midwifery Practice—Elizabeth Ingram, Case of, 1284

Regimental Exchanges, Comm. cl. 2, Motion for reporting Progress, 1842

JENKINS, Mr. D. J., Penryn, &c.

Merchant Shipping Acts Amendment, Leave, 137

JENKINS, Mr. E., Dundee

International Copyright, Leave, 235, 313

JENKINSON, Sir G. S., Wiltshire, N.

Education in Rural Districts, Res. 1119, 1121

Highways—Legislation, 160

Parliament—Address in Answer to the Speech, 83

Turnpike Trusts, Res. 944, 964

JERVIS, Colonel H. J. W., Harwich

Army—Landguard Fort, 308

India—Officers of the Artillery, 838

JOHNSTON, Mr. W., Belfast

Criminal Law—Imprisonment of a Blind Boy at Drogheda, 307, 554

Ireland—Linen Trade—Civil Bill Officers, 1805

JOHNSTONE, Captain J. J. HOPE-, Dumfriesshire

Regimental Exchanges, 2R. 674

Jury Law Amendment—Legislation

Question, Mr. Norwood; Answer, Mr. Lopes *Mar 9*, 1489

Justices of the Peace Qualification Bill

[H.L.] (*The Earl of Albemarle*)

1. Presented; read 1st *Feb 5* (No. 5)

KAVANAGH, Mr. A. M., Carlow Co.

Agricultural Labourers Dwellings (Ireland), 2R. 1592

KAY-SHUTTLEWORTH, Mr. U. J., Hastings

Artizans Dwellings, Leave, 111; 2R. 368

Education Department—New Code, 1875, Motion for an Address, 1518

KENKALY, Dr. E. V., Stoke-upon-Trent

Parliament—Rules and Orders, &c. 486, 487, 1185, 1187, 1188, 1194, 1199

KIMBERLEY, Earl of

Increase of the Episcopate, 3R. 1873

Land Titles and Transfer, Comm. 1044

Pacific Islanders Protection, 2R. 1869

3 X

KINNAIRD, Hon. A. F., Perth

Civil Service Examinations, 484
East India Home Government (Pensions), 3R.
1854

Labourers Cottages, &c. (Scotland) Bill

(*Mr. Fordyce, Sir George Balfour, Mr. McCombie,
Mr. Barclay, Mr. Kinnaird*)

c. Ordered; read 1^o Feb 8 [Bill 39]

Labour Laws Commission—Final Report

Question Mr. Joseph Cowen; Answer, Mr.
Assheton Cross Feb 12, 269

Report of Commission—"The Scotsman,"
Question, Sir Charles Legard; Answer, Mr.
Assheton Cross Feb 22, 626

**Labour Laws, Amendment of the—Legis-
lation**

Question, Mr. Cowen; Answer, Mr. Assheton
Cross Mar 4, 1177

Land Drainage Provisional Order Bill

(*Sir Henry Selwin-Ibbetson, Mr.
Secretary Cross*)

c. Ordered; read 1^o Feb 15 [Bill 66]

**Landlord and Tenant (Ireland) Act (1870)
Amendment Bill**

(*Mr. Crawford, Mr. Richard Smyth, Mr. Thomas
Dickson, Mr. Macartney*)

c. Ordered; read 1^o Feb 8 [Bill 35]

**Land—Owners of Land, &c. (England and
Ireland)—The Returns**

Question, Viscount Halifax; Answer, The
Duke of Richmond Mar 11, 1602

Land Revenue Acts—Purchase of Land

Question, Colonel Gilpin; Answer, The Chan-
cellor of the Exchequer Feb 25, 842

Land Titles and Transfer Bill [H.L.]

(*The Lord Chancellor*)

l. Presented; read 1^o Feb 9 (No. 11)
Read 2^a, after short debate Feb 23, 744
Committee, after short debate Mar 2, 1041
Report Mar 15, 1776 (No. 27)

**Lands Clauses Consolidation Acts Amend-
ment Bill**

(*Mr. Cawley, Mr. Charles Turner, Mr. Hick,
Mr. Torr*)

c. Ordered; read 1^o Mar 15 [Bill 96]

LANSDOWNE, Marquess of

Church Patronage 2R. 822
Land Titles and Transfer, Comm. 1041
Patents for Inventions, Comm. cl. 48, Amendt.
1598, 1601

LAUDERDALE, Earl of

Navy—Training Boys, System of, 1379

Law and Justice

Coroner's Inquests—The late Sir Charles Lyell,
Question, Mr. W. Cartwright; Answer, Mr.
Assheton Cross Mar 2, 1050

Jury Law Amendment—Legislation, Question,
Mr. Norwood; Answer, Mr. Lopes Mar 9,
489

*Magistracy, The—Appointment of Magistrates
for Durham, &c.,* Question, Mr. Joseph Cowen;
Answer, Mr. Assheton Cross Feb 19, 552

Master and Servant Act—Case of Luke Hills,
Question, Mr. P. A. Taylor; Answer, Mr.
Assheton Cross Mar 9, 1485; Mar 11,
1610

[See titles *Statute Law—Consolidation of
the Statutes—Drafting and Revision of
Acts of Parliament—Preparation of
Acts of Parliament*]

**Law Courts, The New—The Supreme Court
of Appeal**

Question, Mr. Freshfield; Answer, Lord Henry
Lennox Feb 9, 159

LAWSON, Sir W., Carlisle

Army—Reduction of the Land Forces, Res.
1398

Bank Holidays Act (1871) Extension and
Amendment, 2R. 803

Ecclesiastical Law, 943

Stroud Writ, Res. 181

LEEMAN, Mr. G., York

Hypothec (Scotland), 2R. 1586, 1588

LEFEVRE, Mr. G. J. Shaw, Reading

Artizans Dwellings, 2R. 355

Consolidated Fund, 3R. 1928

East India Home Government (Pensions), 3R.
1855

Epping Forest, Comm. 1039, 1679

Merchant Service, Boys for the, 627

Merchant Shipping Acts Amendment, Leave,
135

Navy—Swimming, 1633

Navy Estimates—Men and Boys, and Royal
Marines, 1672, 1673

Naval Expenditure, Excess of, 1358

Wild Animals (Scotland), 2R. 448

Legal Practitioners Bill

(*Mr. Charley, Mr. William Gordon*)

c. Ordered; read 1^o Feb 9 [Bill 46]

LEGARD, Sir C., Scarborough

Labour Laws Commission, Report of, 626

**LEIGH, Lieut.-Colonel Egerton, Cheshire
Mid**

Army Estimates—Land Forces, 1457

Criminal Law—Violent Assaults, 1881

Navy Estimates—Men and Boys, and Royal
Marines, 1672

Regimental Exchanges, Comm. 1822

LEITH, Mr. J. F., Aberdeen

Bankruptcy (Scotland) Law Amendment, 2R. 1965

LENNOX, Lord H. G. C. G. (First Commissioner of Works), Chichester

Metropolis—Miscellaneous Questions
Museum of Patents and Inventions—South Kensington, 269

National Gallery—Extension of Site, 996

New Law Courts—Supreme Court of Appeal, 159

Regent's Park, Explosion in, 161

Palace of Westminster—Maclise Frescoes in the Queen's Gallery, 312

Supply—Wellington Monument, 1360

LEWIS, Mr. C. E., Londonderry

Bankruptcy Law (Ireland), 1388

Contempt of Court, Imprisonment for, 1880, 1881

Corrupt Practices at Elections, Motion for a Committee, Amendt. 1525

Criminal Law—Countess of Dudley's Jewels, 1179, 1391

Loans to Foreign States, Motion for a Select Committee, 783

Mitchel, John—Trial of, Motion for Papers, 972, 973

Parliament—Privilege—Unparliamentary Language, 1053

Parliamentary Elections (Returning Officers), 2R. 411

Regimental Exchanges, Comm. cl. 2, 1902

Stroud Writ, Res. 162, 173, 187; Motion for New Writ, 271

LEWIS, Mr. H. O., Carlow

Navy—Training Ship in Dublin Bay, 485

Libraries, Free

Question, Mr. Wheelhouse; Answer, Mr. W. H. Smith Mar 12, 1697

Licensing Courts Appeal (Scotland) Bill

(Mr. Anderson, Mr. McLagan, Mr. Cowan)

c. Ordered; read 1^o Feb 15 [Bill 68]

LINDSAY, Colonel R. J. Loyd, Berkshire

Regimental Exchanges, Comm. 1818, 1820; cl. 2, 1834, 1836

Linen and Yarn Halls (Dublin) Bill

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland)

c. Ordered* Mar 9

LLOYD, Mr. M., Beaumaris

Administration of Justice (Wales), Motion for a Committee, 1894

Assize Court Arrangements—Sale of Stamps, 1287

Friendly Societies, 2R. 885

LLOYD, Mr. S. S., Plymouth

Bankers Act Amendment, 2R. 1998

Currency, Motion for an Address, 1950

Loans to Foreign States

Moved, "That a Select Committee be appointed to inquire into the circumstances attending the making of Contracts for Loans with certain Foreign States, and also the causes which have led to the nonpayment of the principal moneys and interest due in respect of such Loans." (Sir Henry James) Feb 23, 772; after short debate, Motion agreed to; List of the Committee, 787

Local Government Board

Gas and Water Works—Legislation, Question, Mr. Colman; Answer, Mr. Solater-Booth Mar 9, 1487

Highways—Legislation, Question, Sir George Jenkinson; Answer, Mr. Solater-Booth Feb 9, 160

Public Health—Midwifery Practice—Case of Elizabeth Ingram, Question, Mr. James; Answer, Mr. Solater-Booth Mar 5, 1284; Unfit Houses, Question, Sir Lawrence Palk; Answer, Mr. Solater-Booth Mar 4, 1184

Local Government Board (Ireland) Provisional Orders Confirmation Bill

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland)

c. Ordered; read 1^o Mar 3 [Bill 81]

Local Government Board's Provisional Orders Confirmation Bill

(Mr. Clare Read, Mr. Solater-Booth)

c. Ordered; read 1^o Feb 15 [Bill 67]

Local Government (Ireland) Bill

(Mr. Bruen, Sir Arthur Guinness, Mr. Corry, Mr. Kavanagh, Mr. Mulholland)

c. Ordered; read 1^o Feb 11 [Bill 58]

Local Taxation—Collection of Rates

Question, Colonel Brise; Answer, Mr. Solater-Booth Mar 16, 1880

LOCKE, Mr. J., Southwark

Education in Rural Districts, Res. Motion for Adjournment, 1121

Epping Forest, Comm. 1039

LONDON, Bishop of

Church Building and Restoration—Return, 551

Increase of the Episcopate, Comm. add. cl. 1475, 1478

LOPES, Mr. H. C., Frome

Bills of Sale Act Amendment, 2R. 790

Mitchel, John—Tipperary Election, Res. 522

Parliament—Privilege—Offensive Language referring to Irish Members, 269; Res. 332

- LOWE, Right Hon. R., *London University***
 Bankers Act Amendment, 2R. 2026
 Friendly Societies, 2R. 866
 Ireland—Imperial Taxation, Incidence of, Res. 1724
 Mitchel, John—Tipperary Election, Res. 513, 517
 Parliament—Privilege—Dr. Kenealy, Motion for Adjournment, 1189
 Regimental Exchanges, 2R. 687; Comm. cl. 2. 1898, 1902
- LOWTHER, Mr. J. (Under Secretary of State for the Colonies), *York City***
 Africa—Gold Coast, Slavery on the, 216
 New Guinea, Correspondence, 1489
- LUBBOCK, Sir J., *Maidstone***
 Bankers Act Amendment, 2R. 2007
 Currency, Motion for an Address, 1944
 Marine Insurance, Motion for an Address, 1734
- LUSH, Dr. J. A., *Salisbury***
 Poor Law—Lunatic Pauper, Removal of, 1889
 Post Office—Basingstoke, &c., Night Mail Service to, 1487
- LUSK, Sir Andrew, *Finsbury B.***
 Currency, Motion for an Address, 1943
- LYTTELTON, Lord**
 Increase of the Episcopate, 2R. 719; Comm. 1472; cl. 10, 1474; add. cl. 1476, 1479, 1482; Report, 1602; 3R. 1863, 1866, 1872, 1877
- MCAARTHUR, Mr. Alderman W., *Lambeth***
 New Guinea—Correspondence, 1489
 Primary Education (Ireland) Commission (1870), Res. 1340
- MACARTNEY, Mr. J. W. E., *Tyrone***
 Ireland—Local Taxation—Grand Jury Laws, 750
 Primary Education (Ireland) Commission (1870), Res. 1330
- MCCOMBIE, Mr. W., *Aberdeenshire, W.***
 Hypothec (Scotland), 2R. 1563
 Wild Animals (Scotland), 2R. 438
- MACDONALD, Mr. A., *Stafford***
 Factories Acts, 1874, Extension, Motion for a Select Committee, 565
 Factory Act, 1874—Bleach and Dye Works, 395
 Marine Insurance, Motion for an Address, 1758
 Marriage with a Deceased Wife's Sister, 2R. 476
 Mines, Inspectors of, 942
 Regimental Exchanges, Preamble, Motion for Adjournment, 1273

- MACDUFF, Viscount, *Elgin and Nairn***
 Hypothec (Scotland), 2R. 1589
- MACGREGOR, Mr. D. R., *Leith, &c.***
 Education in Rural Districts, Res. Motion for Adjournment, 1122
 Marine Insurance, Motion for an Address, 1757
 Navy Estimates—Men and Boys, and Royal Marines, 1676
- MACIVER, Mr. D., *Birkenhead***
 Marine Insurance, Motion for an Address 1750
 Merchant Shipping Act—Shipping Disasters, 754
- McKENNA, Sir J. N., *Youghal***
 Agricultural Labourers Dwellings (Ireland), 2R. 1593
 Bankers Act Amendment, 2R. 1995
 Currency, Motion for an Address, 1937
 Durham Capital Estates (Customary Tenants), Motion for a Committee, 1504
 Ireland—Imperial Taxation, Incidence of, Res. 1703, 1727
- MCLAGAN, Mr. P., *Linlithgowshire***
 Education in Rural Districts, Res. 1084
 Explosive Substances, Leave, 913
 Hypothec (Scotland), 2R. 1568
 Universities (Scotland) (Degrees to Women), 2R. 1154
 Wild Animals (Scotland), 2R. 433
- MAITLAND, Mr. J., *Kirkcudbrightshire***
 Universities (Scotland) (Degrees to Women), 2R. Amendt. 1131, 1141
- MAKINS, Lieut.-Colonel W. T., *Essex, S***
 Epping Forest, Comm. 1878
 Metropolis Gas (New Works), 753
 Patriotic Fund—Audit of Accounts, 310
- MALMESBURY, Earl of (Lord Privy Seal)**
 Increase of the Episcopate, 3R. 1874
 Navy—Training Boys, System of, 1381
- MANNERS, Right Hon. Lord J. J. R. (Postmaster General), *Leicestershire, N.***
 Post Office—Miscellaneous Questions
 Ballinamore, Telegraph Office at, 911
 Basingstoke, &c., Night Mails to, 1488
 Dublin and London Mails, 990
 London and Salisbury, Mails between, 1806
 Mails between Scotland and Ireland, 214, 844
 Montserrat, Mails to, 622
 Peninsular and Oriental Steam Navigation Company's Contract, 989
 Receiving Houses, 621
 Sorters and Savings Bank Clerks, 622, 623
 Telegraphic Service (Scotland), 1176
 Post Office Telegraphs—Lundy Island, Station on, 1488

Marine Insurance

Observations, Mr. T. Brassey; Reply, Sir Charles Adderley; debate thereon *Mar 12, 1727*

Marine Mutiny Bill

(*Mr. Raikes, Mr. Hunt, Mr. Algernon Egerton*)

c. Ordered; read 1^o *Mar 12*

Marriage with a Deceased Wife's Sister

Bill (*Sir Thomas Chambers, Mr. Morley, Mr. Burt, Mr. Macdonald*)

c. Ordered; read 1^o *Feb 9* [Bill 44]

Moved, "That the Bill be now read 2^o" *Feb 11, 1855*

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Arthur Mills*); after debate, Question put, "That 'now,' &c.;" A. 142, N. 171; M. 29

Words added; main Question, as amended, put, and agreed to; 2R. put off for six months
Division List, A. and N. 480

MARTIN, Mr. J., *Meath*

Ireland—Imperial Taxation, Incidence of, Res. 1713, 1726

Mitchel, John, Case of, 421, 422;—Tipperary Election, Res. 518;—Trial, Motion for Papers, 964, 971, 983

Parliament—Address in Answer to the Speech, 85

Primary Education (Ireland) Commission (1870), Res. 1332

Matrimonial Causes and Marriage Law

(Ireland) Bill (*Mr. Gibson, Mr. Bruen, Mr. Mulholland, Mr. Macartney*)

c. Ordered; read 1^o *Mar 1* [Bill 79]

Read 2^o, after short debate *Mar 10, 1892*

Medical Act, 1858—Efficiency of Medical Practitioners

Question, Mr. A. Mills; Answer, Viscount Sandon *Mar 4, 1183*

MELDON, Mr. C. H., *Kildare*

Friendly Societies, 2R. 886

Ireland—Mountjoy Female Prison, Motion for Papers, 915

Irish Constabulary—Pensioners, 992

Mitchel, John, Address for Papers, 1273

Primary Education (Ireland) Commission (1870), Res. 1307

Mercantile Marine—Merchant Shipping Acts

Boys for the Merchant Service, Question, Mr. Shaw Lefevre; Answer, Sir Charles Adderley *Feb 23, 627*

Casualties at Sea—A Royal Commission, Question, Mr. Gourley; Answer, Sir Charles Adderley *Feb 25, 847*

Emigrant Vessels—Fire Drill, Question, Mr. Hayter; Answer, Sir Charles Adderley *Feb 22, 626*

Mercantile Marine—Merchant [Shipping Acts—cont.

Harbours of Refuge—The Bristol Channel, Question, Sir Eardley Wilmot; Answer, Sir Charles Adderley *Mar 2, 1050*

Mercantile Marine Fund—Boys in Training Ships, Question, Mr. J. Corry; Answer, Sir Charles Adderley *Mar 2, 1048*

Mercantile Marine, The—Certification of Foreigners, Question, Captain Pim; Answer, Sir Charles Adderley *Mar 1, 993*

Missing Vessels, Question, Mr. Charles Wilson; Answer, Sir Charles Adderley *Feb 23, 751*

Proposed Lighthouse on Bury Head, Question, Sir Lawrence Palk; Answer, Sir Charles Adderley *Mar 4, 1184*

The Ship "Mary Ann," Question, Mr. Gourley; Answer, Sir Charles Adderley *Feb 19, 554*

St. Tudwall's Road Lighthouse, Question, Mr. Holland; Answer, Sir Charles Adderley *Mar 11, 1608*

Steamship "Thornaby," Questions, Mr. Plim-soll, Mr. Goschen; Answers, Sir Charles Adderley, Mr. Hunt *Mar 11, 1608*

Mercantile Marine Hospital Service Bill

(*Captain Pim, Mr. Wheelhouse*)

c. Ordered; read 1^o *Mar 10* [Bill 91]

Merchant Shipping Acts Amendment, 1871

Merchant Ships (Measurement of Tonnage) Bill—Legislation, Question, Mr. Palmer; Answer, Sir Charles Adderley *Feb 25, 847*

Shipping Disasters, Question, Mr. MacIver; Answer, Sir Charles Adderley *Feb 23, 754*

Merchant Shipping Acts Amendment

Bill (*Sir Charles Adderley, Mr. Caven-dish Bentinck, Mr. William Henry Smith*)

c. Resolution in Committee; after short debate, Bill ordered; read 1^o *Feb 8* [Bill 4]

Question, Mr. Bentinck; Answer, Sir Charles Adderley *Feb 25, 848*

Liability Clause, The, Question, Lord Eslington; Answer, Sir Charles Adderley *Mar 12, 1696*

Merchant Shipping Acts Amendment

(No. 2) Bill (*Mr. Plimsoll, Mr. Roebuck, Mr. Samuda, Mr. Kirkman Hodgson*)

c. Considered in Committee; Resolution reported; Bill ordered; read 1^o *Feb 8* [Bill 31]

METROPOLIS**MISCELLANEOUS QUESTIONS**

Explosion in the Regent's Park, Question, Sir Thomas Chambers; Answer, Lord Henry Lennox *Feb 9, 161*

Fires in the Metropolis—Hydrants, Question, Mr. Freshfield; Answer, Sir James Hogg *Feb 9, 159*

Footway, St. James's Park, Question, Sir Charles Russell; Answer, Lord George Hamilton *Mar 8, 1392*

[cont.]

METROPOLIS—cont.

Metropolis Valuation Act, 1889—Questions to Ratepayers, Question, Mr. Goldsmid; Answer, The Chancellor of the Exchequer Feb 25, 844; Question, Observations, Mr. Goldsmid; Reply, The Chancellor of the Exchequer; short debate thereon Mar 5, 1341

Metropolis Water Supply, Question, Observations, Earl Cadogan, Lord Belper; Reply, The Duke of Richmond Mar 1, 985; Question, Observations, Sir Charles W. Dilke; Reply, Mr. Solater-Booth Mar 5, 1347

Museum of Patents and Inventions—South Kensington, Question, Mr. Mundella; Answer, Lord Henry Lennox Feb 12, 269

Sanitary Acts—Impure Water, Question, Mr. P. A. Taylor; Answer, Mr. Solater-Booth Feb 22, 624

The National Gallery—Extension of Site, Question, Mr. Beresford Hope; Answer, Lord Henry Lennox Mar 1, 996

The Theatres—The Lord Chamberlain's Jurisdiction, Question, Observations, The Duke of St. Albans; Reply, The Lord Chamberlain; debate thereon Mar 5, 1277

Tower of London—Free Admission, Question, Mr. Ritchie; Answer, Mr. W. H. Smith Mar 11, 1603

Valuation Returns, Question, Mr. J. Holms; Answer, The Chancellor of the Exchequer Mar 9, 1489

Metropolis Gas Companies Bill

(*Sir James Hogg, Sir Andrew Lusk, Mr. Goldney, Mr. John Holms*)

c. Question, Colonel Makins; Answer, Sir James Hogg Feb 23, 753
Ordered; read 1^o Mar 3 [Bill 82]

Metropolis — Lighting, Paving, and Cleansing

Moved, "That, in the opinion of this House, the condition of the Metropolis as regards Lighting, Paving, and Cleansing, calls for legislation" (*Sir William Fraser*) Feb 9, 190; after short debate, Motion withdrawn

Street Cleansing, Question, Observations, Sir William Fraser; Reply, Mr. Assheton Cross Feb 26, 983; Mar 2, 1049

Metropolis Local Management Acts Amendment Bill (*Mr. Boord, Sir Charles Mills, Mr. Coope, Mr. Gordon*)

c. Ordered; read 1^o Feb 8 [Bill 38]
Moved, "That the Bill be now read 2^o" Mar 16, 1952

Amendt. to leave out "now," and add "upon this day six months" (*Sir James Hogg*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2^o, and committed to a Select Committee
List of the Committee, 1956

Metropolis Water Supply and Fire Prevention Bill (*Colonel Beresford, Sir Charles Russell, Mr. Forsyth, Mr. Ritchie*)

c. Ordered; read 1^o Mar 5 [Bill 86]

Metropolitan Board of Works — Annual Statement of Liabilities

Question, Lord Edmond Fitzmaurice; Answer, Mr. W. H. Smith Mar 4, 1181

MILLS, Mr. A., Exeter

Consolidation of the Statutes, Res. 1701

Marriage with a Deceased Wife's Sister, 2R. Amendt. 462

Medical Act, 1858—Efficiency of Medical Practitioners, 1183

Stroud Writ—Motion for New Writ, 266

Mines—Reports of Inspectors for 1874

Question, Mr. Macdonald; Answer, Mr. Assheton Cross Feb 26, 942

MINTO, Earl of

Scotland—County and Burghs Constabulary, 987

Established Church of, 988

Mitchel, John—see Tipperary Election**Monastic and Conventual Institutions Bill**

(*Mr. Newdegate, Sir Thomas Chambers, Mr. Holt*)
c. *The Return*, 1874, Question, Mr. Newdegate; Answer, Mr. Bourke Feb 15, 313; Mar 4, 1183

Motion for Leave (*Mr. Newdegate*) Feb 16, 397; Motion agreed to; Bill ordered; read 1^o [Bill 69]

MONK, Mr. C. J., Gloucester City

Public Worship Facilities, Comm. Amendt. 1172, 1531

Supply—Tonnage Duties, Bounties on Slaves, &c. 1365

MONTAGU, Right Hon. Lord R., Westmeath

Artizans Dwellings, 2R. 364

Ireland—Release of Ribbonmen, 844

Peace Preservation (Ireland), Leave, 556, 1027, 1052

Stroud Writ, Res. 179; Motion for New Writ, 295

MONTEAGLE, Lord

Woolwich Academy—New Regulations, 551

MORGAN, Mr. G. Osborne, Denbighshire

Administration of Justice (Wales), Motion for a Committee, 1396, 1398

Parliament—Business of the House, Res. 591
Supreme Court of Judicature Act (1873), 1603

MORLEY, Mr. S., Bristol

Currency, Motion for an Address, 1935

MOWBRAY, Right Hon. J. R., Oxford University

Durham Capitular Estates (Customary Tenants), Motion for a Committee, 1505

MULHOLLAND, Mr. J., Downpatrick
Glebe Lands (Ireland), 2R. 793

MUNDELLA, Mr. A. J., Sheffield
Adulteration of Food and Drugs, 2R. 613
Currency, Motion for an Address, 1947
Factories Acts, 1874, Extension, Motion for a Select Committee, 563
Friendly Societies, Leave, 122
Museum of Patents and Inventions, South Kensington, 269
Regimental Exchanges, Comm. cl. 2, 1833; Motion for reporting Progress, 1850

Municipal Corporations (Ireland) Bill
(*Mr. Ronayne, Mr. Butt, Mr. Bryan*)

c. Ordered; read 1^o * Feb 8 [Bill 41]

Municipal Elections Bill (*Mr. Dodds, Mr. Gourley, Mr. Callender, Mr. Rathbone*)

c. Ordered * Feb 11
Read 1^o * Feb 15 [Bill 63]
Moved, "That the Bill be now read 2^o"
Mar 12, 1770
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Wheelhouse*): Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2^o

Municipal Franchise (Ireland) Bill
(*Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan*)

c. Ordered; read 1^o * Feb 8 [Bill 34]

Municipality of London Bill
(*Lord Elcho, Mr. Kay-Shuttleworth, Mr. Staveley Hill*)

c. Motion for Leave (*Lord Elcho*) Feb 11, 286; after short debate, Motion agreed to; Bill ordered; read 1^o * [Bill 61]

MUNTZ, Mr. P. H., Birmingham
Adulteration of Food and Drugs, 2R. 601
Army—Militia Adjutants, 1896
Inland Revenue—Income and Property Tax, Collection of, 1048
Marriage with a Deceased Wife's Sister, 2R. 477
Regimental Exchanges, Comm. cl. 2, Amendt. 1835

MURE, Colonel W., Renfrew
Army—Infantry Accoutrements, 841
Recruits to India, Age of, 1607
Reserve and the Militia, 840
Army Estimates—Land Forces, 1461
Artizans Dwellings, Leave, 115
Hypothee (Scotland), 2R. 1573
Regimental Exchanges, Comm. cl. 2, 1825

Mutiny Bill
(*Mr. Raikes, Mr. Secretary Hardy, The Judge Advocate*)

c. Ordered; read 1^o * Mar 9
Read 2^o, after short debate Mar 10, 1593

NAGHTEN, Mr. A. R., Winchester
Army—Regimental Necessaries, Receivers of, 1389

National Debt Commissioners—Alleged Deficiency

Question, Mr. Puleston; Answer, The Chancellor of the Exchequer Mar 9, 1486

NAVY

MISCELLANEOUS QUESTIONS

Boilers, Report of Committee on, Question, Mr. T. Brassey; Answer, Mr. Hunt Mar 2, 1047

Government Docks—Concessions to Private Firms, Question, Mr. Hopwood; Answer, Mr. Hunt Feb 18, 484

H.M.S. "Albatross", Question, Captain Price; Answer, Mr. Hunt Mar 15, 1799

H.M. Ships—Cork Mattresses, Question, Captain Pim; Answer, Mr. Hunt Mar 11, 1607

H.M.S. "Sandfly"—The Pacific Islands—Alleged Conflict with Natives, Question, Mr. Ashley; Answer, Mr. Hunt Mar 11, 1605

H.M.S. "Thetis"—Destruction of Pearl Fishing Boats, Question, Lord Edmond Fitzmaurice; Answer, Mr. Hunt Mar 15, 1804

H.M.S. "Volage", Questions, Mr. Gorst, Mr. Goschen; Answers, Mr. Hunt Mar 11, 1612

Navy Stores—Prison Labour, Question, Colonel Beresford; Answer, Mr. Hunt Mar 4, 1182

Officers of the Royal Marines, Observations, Mr. Gorst; Reply, Mr. Hunt; short debate thereon Mar 11, 1617

Pay of Engineer Officers, Question, Captain Pim; Answer, Mr. Hunt Mar 12, 1694

Religious Ceremony at Launches, Question, Mr. Edward Reed; Answer, Mr. Hunt Feb 16, 393

Retirement in the Marine Corps, Question, Mr. Anderson; Answer, Mr. Hunt Feb 25, 842;—*Promotion in the*, Question, Mr. Anderson; Answer, Mr. Hunt Mar 4, 1178

Retirement of Admirals—Order in Council, 1870, Question, Mr. Anderson; Answer, Mr. Hunt Mar 11, 1605

Royal Naval Reserve—The Regulations, Question, Mr. Goschen; Answer, Mr. Hunt Mar 4, 1177

Sale of Wooden Ships of War, Question, Mr. E. J. Reed; Answer, Mr. Hunt Mar 1, 995

Ships of the late Chief Constructor, Question, Captain Pim; Answer, Mr. Hunt Mar 15, 1805

Swimming, Observations, Sir William Fraser; Reply, Mr. Hunt; short debate thereon Mar 11, 1630

System of Training Boys, Observations, The Earl of Lauderdale, Lord Elphinstone; Reply, The Earl of Malmesbury Mar 8, 1379

The "Britannia" Cadet Training Ship, Observations, Mr. Bass Mar 11, 1627

The East Winds—Assistance to Shipping in Channel, Question, Mr. Gourley; Answer, Mr. Hunt Mar 2, 1053

Training Ship in Dublin Bay, Question, Mr. Owen Lewis; Answer, Mr. Hunt Feb 18, 485

Warrant Officers, Observations, Captain G. E. Price, Mr. Bruce Mar 11, 1628

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid*

United States—Philadelphia International Exhibition, 1180

Westminster Abbey—Burials, 1047

NEWDEGATE, Mr. C. N., *Warwickshire, N.*

Bankers Act Amendment, 2R. 1991

Education in Rural Districts, Res. 1119

Mitchel, John, Trial of, Motion for Papers, 974, 975

Monastic and Conventual Institutions, 313; Leave, 397, 1183

Parliament—Business of the House, 303; Res. 575, 1882, 1887

Parliament—Privilege—Offensive Language referring to Irish Members, Res. 324

New Forest—Deer Removal Act, 1851

Moved, "That a Select Committee be appointed, "to inquire into and report upon the present condition of affairs in the New Forest, into the operation of 'The Deer Removal Act, 1851,' and particularly into the exercise and effect of the powers of inclosure given by that Act" (*Lord Henry Scott*) Mar 16, 1950; after short debate, Motion agreed to; List of the Committee, 1951

New Forest Shakers, The—Arrest of Miss Wood

Question, Mr. Dillwyn; Answer, Mr. Assheton Cross Mar 8, 1393

New Guinea—Correspondence

Question, Mr. W. M'Arthur; Answer, Mr. J. Lowther Mar 9, 1489

NEWPORT, Viscount, *Shropshire, N.*

Army—Yeomanry Pay and Allowances, 843

NOEL, Mr. E., *Dumfries, &c.*

Universities (Scotland) (Degrees to Women), 2R. 1147

NOLAN, Captain J. P., *Galway Co.*

Army Estimates—Pay and Allowances, 1469

Convention (Ireland) Act Repeal, 2R. 1960

Irish Reproductive Loan Fund—Loans to Irish Fishermen, 76

Mitchel, John, Case of, 416

Parliamentary Elections (Returning Officers), 2R. 413

Peace Preservation (Ireland), Leave, 1031

Primary Education (Ireland) Commission (1870), Res. 1331

Regimental Exchanges, 2R. 712; Comm. 1238; cl. 2, 1826, 1831

Shannon Drainage Act (1874), 1288

Supply—Civil Contingencies Fund, 1367

Survey and Valuation of Ireland, 1363

NORTH, Lieut-Colonel J. S., *Oxfordshire*

Regimental Exchanges, Comm. 1243, 1808; cl. 2, 1837, 1840

NORTHCOOTE, Right Hon. Sir S. H.
(*see* Chancellor of the Exchequer)

NORWOOD, Mr. C. M., *Kingston-upon-Hull*

Bank Holidays Act (1871) Extension and Amendment, 2R. 803, 805

Bills of Sale Act Amendment, 2R. 792

O'BRIEN, Sir P., *King's Co.*

Irish State Prisoners, 1764

O'CLEERY, Mr. K., *Wexford Co.*

Irish Fisheries Report 1874, 1391

Mitchel, John—Tipperary Election, Res. 535

National Education (Ireland)—Workhouse Schools—Teachers, 1807

Spain—Recognition of the Existing Government, 313

O'CONOR DON, The, *Roscommon Co.*

Ireland—Imperial Taxation, Incidence of, Res. 1722, 1723, 1724

O'CONOR, Mr. D. M., *Sligo Co.*

Corrupt Practices at Elections, Motion for a Committee, 1526, 1527

Offences against the Person Bill

(*Mr. Charley, Mr. Whitwell*)

c. Ordered; read 1^o Feb 9 [Bill 45]

O'HAGAN, Lord

Land Titles and Transfer, Report, 1797

O'KEEFE, Mr. J., *Dungarvan*

Irish Reproductive Loan Fund, 1390

O'LOGHLEN, Right Hon. Sir C. M., *Clare Co.*

Bank Holidays Act (1871) Extension and Amendment, 2R. 807

Glebe Lands (Ireland), 2R. 794

Parliament—Cashel and Sligo, 219

Parliament—Privilege—Offensive Language referring to Irish Members, Res. 326, 329

Parliamentary Elections (Trial of Petitions), Motion for a Select Committee, 766

ONSLOW, Mr. D. R., *Guildford*

Indian Finances, 1882

Regimental Exchanges, Comm. 1823; cl. 2, 1833

Open Spaces (Metropolis) Bill

(*Mr. Whalley, Sir George Bowyer*)

c. Motion for Leave (*Mr. Whalley*) Feb 9, 209; after short debate, Motion agreed to;

Bill ordered: read 1^o [Bill 50]

2R., debate adjourned Mar 17, 2030

O'REILLY, Mr. M. W., *Longford Co.*

Ireland—Constabulary, 838

Primary Education (Ireland) Commission 1870, Res. 1289, 1309, 1341

Regimental Exchanges, 2R. 680, 997

O'SHAUGHNESSY, Mr. R., *Limerick*
 Ireland—Constabulary, 1609
 Intermediate Education, 1181
 Poor Law—System of Rating, 214
 Mitchel, John—Tipperary Election, Res. Motion for Adjournment, 493, 535

O'SULLIVAN, Mr. W. H., *Limerick Co.*
 Ireland—Constabulary, 749
 Customs Duties—Bank Notes, 621, 1285
 Inland Revenue—Irish Whiskey, Adulteration of, 1048
 Mitchel, John—Tipperary Election, Res. 498

Outlawries Bill
c. Read 1^o Feb 5

Pacific Islanders Protection Bill [H.L.]
(The Earl of Carnarvon)

l. Presented; read 1^o Mar 8 (No. 33)
Read 2^a, after short debate Mar 16, 1857

Pacific Islands—H.M.S. "Sandfly"—
Alleged Conflict with Natives
 Question, Mr. Ashley; Answer, Mr. Hunt
Mar 11, 1865

PALK, Sir L., *Devonshire, E.*
 Bury Head, Proposed Lighthouse on, 1184
 Sanitary Laws—Unfit Houses, 1184

PALMER, Mr. C. M., *Durham, N.*
 Bank Holidays Act (1871) Extension and Amendment, 2R. 805
 Currency, Motion for an Address, 1947
 Merchant Ships (Measurement of Tonnage), 847

Parliament **LORDS—**

MEETING OF THE PARLIAMENT Feb 5
 The Parliament opened by Commission

Her Majesty's Most Gracious Speech
 delivered by The Lord Chancellor Feb 5, 2

AN ADDRESS TO HER MAJESTY thereon moved by The Earl of Donoughmore (the Motion being seconded by The Lord RAYLEIGH), and, after debate, agreed to, *Nemine Dissentiente* Feb 5, 7

HER MAJESTY'S ANSWER TO THE ADDRESS reported Feb 12, 241

ROLL OF THE LORDS—Garter King of Arms attending, delivered at the Table (in the usual manner) a List of the Lords Temporal in the Second Session of the Twenty-first Parliament of the United Kingdom Feb 5, 7

Chairman of Committees—The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session Feb 5

Committee for Privileges—appointed Feb 5
Sub-Committee for the Journals—appointed Feb 5

Appeal Committee—appointed Feb 5

PARLIAMENT—LORDS—cont.

*Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod—*Select Committee appointed Feb 22; List of the Committee, 620

Private Bill Legislation

Orders in relation to Petitions Feb 22, 620

Opposed Private Bills—Select Committee appointed Feb 22; List of the Committee, 620

Private Bills—Standing Order Committee on, appointed Feb 22; List of the Committee, 620

The Easter Recess, Question, Earl Granville; Answer, The Duke of Richmond Mar 11, 1593

COMMONS—

THE QUEEN'S SPEECH reported; An humble Address thereon moved by Mr. E. STANHOPE (the Motion being seconded by Mr. WHITELAW) Feb 5, 37; after debate, Motion agreed to; and a Committee appointed to draw up the said Address; List of the Committee, 74
 Report of the Address brought up and read Feb 8, 78; after debate, Address agreed to; to be presented by Privy Councillors
 Her Majesty's Answer to the Address reported Feb 12, 271

Kitchen and Refreshment Rooms (House of Commons)—Standing Committee appointed; List of the Committee Feb 9, 210

Printing—Select Committee appointed; List of the Committee Feb 9, 210

Privileges—Ordered, That a Committee of Privileges be appointed Feb 5

Public Accounts—Committee nominated; List of the Committee Feb 12, 304

Public Petitions—Select Committee appointed; List of the Committee Feb 9, 210

Selection—Committee nominated; List of the Committee Feb 11, 240

Standing Orders—Select Committee nominated; List of the Committee Feb 11, 240

Palace of Westminster

The Mosaic Frescoes in the Queen's Gallery, Question, Mr. Hankey; Answer, Lord Henry Lennox Feb 15, 312

Privilege

Rules and Orders as to Introduction of New Members, Mr. Edward Vaughan Kenealy came to the Table to be sworn without being introduced by two Members, according to custom—

Whereupon, Resolution [23rd February 1858] read Feb 18, 486

Moved, "That the said Resolution of the House be dispensed with on this occasion" (*Mr. Disraeli*); after short debate, Motion agreed to

Then Dr. Kenealy called to the Table and sworn

Offensive Language referring to Irish Members, Question, Mr. Sullivan; Answer, Mr. Lopes Feb 12, 269

Complaint made to the House by Mr. Sullivan, Member for the county of Louth, of expressions used in a speech by Mr. Lopes, Member

PARLIAMENT—COMMONS—*cont.*

for Frome, and contained in a paragraph in "The Times" newspaper of the 11th day of September, 1874 *Feb 15, 313*

Moved, "That the passage complained of be read by the Clerk at the Table" (*Mr. Sullivan*); Motion agreed to; The said paper was delivered in, and the paragraph complained of read, as follows:—"What was the present position of the Liberal party? In the House of Commons they were deserted by their Chief, who, by his fitful appearance in the House, disappointed their hopes. They were allied to a disreputable Irish band, whose watchword in the House was Home Rule and the Repeal of the Union"

After short debate, Moved, "That the language contained in the paragraph complained of is a breach of the Privileges of this House" (*Mr. Sullivan*); after further short debate, Motion withdrawn

Observations, Sir John Astley *Feb 16, 306*

Un-Parliamentary Language—"Unconditional Allegiance," Observations, Mr. Charles Lewis; Reply, Mr. Speaker *Mar 2, 1053*

Dr. Kenealy—Reflections on a Member of this House, Question, Observations, Dr. Kenealy; Reply, Mr. Evelyn Ashley *Mar 4, 1185*

Dr. Kenealy, Member for Stoke-upon-Trent, having asked Mr. Evelyn Ashley, Member for Poole, whether he acknowledged the correctness of a report of a speech made by him on the 27th February last, at Ryde, reflecting on Dr. Kenealy? and Mr. Evelyn Ashley having replied,

Moved, "That this House, having heard the statement of the honourable Member for Stoke and the explanation of the honourable Member for Poole, do now proceed to the Orders of the Day" (*Mr. Disraeli*)

Amendt. to insert, after "Stoke," the words "upon a question of Privilege" (*Mr. Roebuck*); Question proposed, "That those words be there inserted;" Amendt. withdrawn: main Question put, and agreed to

Private Bill Legislation, Question, Mr. Rodwell; Answer, Mr. Selater-Booth *Mar 15, 1803*

Office of Sergeant-at-Arms, Question, Mr. Pease; Answer, Mr. Disraeli *Mar 1, 997*

Business of the House

Ash Wednesday, House, at its rising, to adjourn till Thursday (*Mr. Disraeli*) *Feb 9, 159*

Sittings of the House, Question, Mr. O'Connor Power; Answer, Mr. Disraeli *Feb 15, 309*

The Easter Recess, Observations, Mr. Disraeli; short debate thereon *Mar 11, 1613*; Question, The Marquess of Hartington; Answer, Mr. Disraeli *Mar 12, 1697*; Question, Mr. W. E. Forster; Answer, Mr. Disraeli *Mar 15, 1807*

Morning Sittings, Moved, "That the sitting of the House To-morrow, at Two of the clock, be held subject to the Resolution of the House of the 30th day of April 1869" (*Mr. Disraeli*) *Mar 15, 1855*; after short debate, Motion agreed to

PARLIAMENT—COMMONS—*cont.*

The Morning Sitting, Observations, Mr. Newdegate; short debate thereon *Mar 16, 1882*

Representation of Ireland—Cashel and Sligo, Question, Sir Colman O'Loughlen; Answer, Sir Michael Hicks-Beach *Feb 11, 212*

Parliament—Clerk of the Parliaments, The—Resignation of Sir John George Shaw Lefevre, K.C.B.

Letter of Sir John George Shaw Lefevre, K.C.B., the Clerk of the Parliaments Observations, The Lord Chancellor, The Earl Granville *Mar 8, 1368*

Letter received; ordered to lie on the Table; to be entered on the Journals

The letter from Sir John George Shaw Lefevre, K.C.B., tendering his resignation of his Office of Clerk of the Parliaments, considered *Mar 11, 1593*

Moved, "That this House has received with sincere concern the resignation of Sir John George Shaw Lefevre, K.C.B., of the office of Clerk of the Parliaments on account of recent indisposition and his advancing age, and they think it right to record the just sense which they entertain of the zeal, ability, diligence, and integrity with which the said Sir John George Shaw Lefevre, K.C.B., has executed the important duties of his office during the period of nearly twenty-seven years" (*The Duke of Richmond*), *1594*; after short debate, Resolution agreed to *nemine dissentiente*

Ordered that the Lord Chancellor do communicate this resolution to the said Sir John George Shaw Lefevre, K.C.B.

Moved, "That an humble Address be presented to Her Majesty laying before Her Majesty a copy of the letter of the said Sir John George Shaw Lefevre, K.C.B., and likewise of the Resolution of this House, and recommending the said Sir John George Shaw Lefevre, K.C.B., to Her Majesty's Royal Grace and Bounty" (*The Duke of Richmond*), *1595*

Ordered, *nemine dissentiente*

Parliament—Introduction and Progress of Public Bills

Amendt. on Committee of Supply *Feb 19*, To leave out from "That," and add "no Notice of Motion for leave to introduce a Public Bill, other than a Bill to be introduced by or on behalf of Her Majesty's Ministers, or a Bill brought from the House of Lords, shall be held to be sufficient, unless copies of such Bill have, three days previous to such Motion being made, been deposited in the Public Bill Office, or unless the Notice contain a description of the means or method by which the object of such Bill is proposed to be effected" (*Mr. Newdegate*) *v.*, *575*; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to
[See titles—*Statute Law*]

Parliament—Opposed Business—The Half-past Twelve o'clock Rule

Moved, "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called" (*Mr. Heygate*) Feb 9, 199

Amendt. to add, "Provided that this rule shall not apply to any Bill which has passed through Committee of the House" (*Mr. Dillwyn*); Question proposed, "That those words be there added;" after short debate, Question put; A. 49, N. 91; M. 42; main Question put, and agreed to

PARLIAMENT—HOUSE OF LORDS

Sat First

Feb 5—The Lord Forester, after the death of his Brother

The Lord Kesteven, after the death of his Father

Feb 9—The Lord Sondes, after the death of his Father

The Lord Rossmore, after the death of his Father

Feb 22—The Lord St. Leonards, after the death of his Grandfather

Representative Peer for Ireland
(Writs and Returns)

Feb 5—The Earl of Clonmell, v. The Earl Annesley, deceased

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

During Recess

For Midhurst, v. Charles George Perceval, esquire, now Earl of Egmont

For Northampton Borough, v. Charles Gilpin, esquire, deceased

For Cambridge County, v. Lord George Manners, deceased

For Wenlock, v. Right Hon. Cecil Weld Forester, now Lord Forester

For Birkenhead, v. John Laird, esquire, deceased

For St. Ives, v. Edward Gersham Davenport, esquire, deceased

For Kent (Eastern Division), v. Hon. George Watson Milles, now Lord Sondes

For Trinity College, Dublin, v. Right Hon. John Thomas Ball, Lord High Chancellor of Ireland

1875

Feb 5—For Chatham, v. Admiral George Elliot, Chiltern Hundreds

For Trinity College, Dublin, v. Hen. David Robert Plunket, Solicitor General for Ireland

Feb 8—For Stoke-upon-Trent, v. George Melly, esquire, Chiltern Hundreds

[cont.]

PARLIAMENT — COMMONS — *New Writs Issued—cont.*

Feb 9—For Tipperary, v. Hon. Charles William White, Chiltern Hundreds

Feb 12—For Stroud, v. Henry Robert Brand, esquire, void Election

Feb 18—For Tipperary, v. John Mitchel, who has become incapable of being elected or returned as a Member of this House

Feb 25—For St. Ives, v. Charles Tyringham Praed, esquire, void Election

For Norwich, v. John Walter Huddleston, esquire, one of the Justices of Her Majesty's Court of Common Pleas

New Members Sworn

Feb 5—Sir Henry Thurston Holland, baronet, Midhurst

Benjamin Bridges Hunter Rodwell, esquire, Cambridge County

Sir Wyndham Knatchbull, baronet, Kent (Eastern Division)

Charles Tyringham Praed, esquire, St. Ives

Cecil Theodore Weld Forester, esquire, Wenlock

David MacIver, esquire, Birkenhead

Charles George Merewether, esquire, Northampton Borough

Feb 9—Edward Gibson, esquire, *The College of the Holy Trinity, Dublin*

Feb 12—Hon. David Robert Plunket, *The College of the Holy Trinity, Dublin*

Feb 18—Edward Vaughan Kenealy, esquire, Stoke-upon-Trent

John Eldon Gorst, esquire, Chatham

Feb 23—Samuel Stephens Marling, esquire, Stroud

Mar 8—Jacob Henry Tillett, esquire, Norwich

Charles Tyringham Praed, esquire, St. Ives

PARLIAMENTARY ELECTIONS ACT, 1868

New Writs on Void Elections

Ordered, "That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judge has reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days' previous notice being given in the Votes, such notice to be appointed for consideration before the Orders of the Day and Notices of Motion" (*Mr. Dyke*)

Borough of Boston—Joint Address for a Royal Commission

Question, Mr. Yorke; Answer, The Attorney General Feb 15, 307

c. Resolved, That an humble Address be presented to Her Majesty for a Commission of Inquiry Mar 8, 1469

The said Address to be communicated to the Lords, and their concurrence desired thereto (*Mr. Attorney General*)

[cont.]

PARLIAMENTARY ELECTIONS ACT, 1868—Borough of Boston—cont.

1. Message from the Commons that they have agreed to an Address to be presented to Her Majesty (under the provisions of the Act of the sixteenth year of Her present Majesty, chapter fifty-seven,) relating to the Election for the Borough of Boston, to which they desire the concurrence of their Lordships
Mar 9, 1483

Controverted Elections—Judges' Reports
Durham County (Northern Division), Borough of Poole, Borough of Boston, Borough of Stroud Feb 5, 37
St. Ives Feb 22, 621

Stroud Writ

Moved, "That no new Writ be issued for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry R. Brand, esquire, whose Election has been declared void" (*Mr. Charles Lewis*) *Feb 9, 182*; after debate, Question put; A. 44, N. 225; M. 181

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Election of a Member to serve in this present Parliament for the Borough of Stroud, in the room of Henry Robert Brand, esquire, whose Election has been determined to be void" (*Mr. Adam*) *Feb 12, 271*

Amendt. to leave out from "That," and add "no new Writ be issued for the Election of a Member of Parliament for the Borough of Stroud until three days after the printing and distribution among the Members of this House of the evidence taken upon the trial of the Petition against the return of the late Member which took place before Mr. Baron Pigott" (*Mr. Charles Lewis*) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 184, N. 73; M. 111; main Question put, and agreed to

Corrupt Practices at Parliamentary Elections

Moved, "That a Select Committee be appointed to inquire into the operation of 'The Corrupt Practices Prevention Act, 1854,' 'The Parliamentary Elections Act, 1868,' and 'The Corrupt Practices Commissioners Expenses Act, 1869,' and the several Acts by which the same have been respectively continued and amended, and to report whether any and what further measures are necessary for the prevention of Corrupt Practices at Parliamentary Elections" (*Mr. Attorney General*) *Mar 9, 1525*

Amendt. proposed, at the end of the Question, to add "and what, if any, improvements may be made in the Law relating to the trial of Election Petitions" (*Mr. Charles Lewis*) v.; Question proposed, "That those words be there added;" after short debate, Amendt. withdrawn

Amendt. to leave out from "report," and add "thereon to the House" v.; Question, "That the words, &c.," put, and negatived

[cont.]

PARLIAMENTARY ELECTIONS ACT, 1868—Corrupt Practices at Parliamentary Elections—cont.

Words added; main Question, as amended, put, and agreed to; Select Committee appointed; List of the Committee, 1528

Parliamentary Elections (Trial of Petitions)

Moved, "That a Select Committee be appointed to inquire into the working of the 'Parliamentary Elections Act, 1868,' and to report what, if any, amendments are necessary" (*Mr. Serjeant Simon*) *Feb 23, 755*; after short debate, Motion withdrawn

Parliamentary Election—Return of John Mitchel for Tipperary—see Tipperary Election

Parliamentary and Municipal Elections Act—The Register of Electors

Question, Mr. Cartwright; Answer, Mr. Solater-Booth *Mar 15, 1801*

Parliamentary Elections (Returning Officers) Bill

(*Sir Henry James, Sir William Harcourt*)

c. Ordered; read 1^o * *Feb 8* [Bill 32]
Read 2^o, after short debate *Feb 16, 409*

Parliamentary Elections (Validity of Votes) Bill

(*Sir Colman O'Loughlen, Lord Francis Conyngham, Captain Nolan*)

c. Ordered; read 1^o * *Feb 9* [Bill 49]

Passengers Act, 1865—Surgeons in Passenger Ships

Question, Captain Pim; Answer, Sir Charles Adderley *Mar 11, 1604*

Patents for Inventions Bill [R.L.]
(*The Lord Chancellor*)

1. Presented; read 1^o, after short debate *Feb 12, 241*
Read 2^o, after debate *Feb 26, 916*
Committee *Mar 11, 1595*

Patriotic Fund—Audit of Accounts

Question, Colonel Makins; Answer, Mr. W. H. Smith *Feb 15, 310*

Peace Preservation (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Orders of the Day postponed (*Mr. Disraeli*) *Mar 1*

Motion for Leave (*Sir Michael Hicks-Beach*) *Mar 1, 998*; after debate, Motion agreed to; Bill ordered; read 1^o * [Bill 77]

Question, Lord Robert Montagu; Answer, Sir Michael Hicks Beach *Mar 2, 1052*

PEASE, Mr. J. W., *Durham, S.*
 Army—Reduction of the Land Forces, Res. 1406
 Durham Capital Estates (Customary Tenants), Motion for a Committee, 1489
 Parliament—House of Commons—Sergeant-at-Arms, 997
 Turnpike Trusts, Res. 949

PEEK, Sir H. W., *Surrey, Mid.*
 Adulteration of Food and Drugs, 2R. 605

PEEL, Mr. A. W., *Warwick Bo.*
 Marine Insurance, Motion for an Address, 1747

PELL, Mr. A., *Leicestershire, S.*
 Canada, Dominion of—Emigration of Pauper Children, 1389
 Education in Rural Districts, Res. Amendt. 1067, 1075, 1119
 Turnpike Trusts, Res. 964

PEMBERTON, Mr. E. L., *Kent, E.*
 Adulteration of Food Act—Beer, 1183

PEMBROKE, Earl of
 Woolwich Academy—New Regulations, 551

PENZANCE, Lord
 Land Titles and Transfer, Report, 1797
 Supreme Court of Judicature Act (1873) Amendment, 2R. 739, 985; Comm. 1175

Permissive Prohibitory Liquor Bill
(Sir Wilfrid Lawson, Sir Thomas Basley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnston)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1st Feb 8 [Bill 19]

PETERBOROUGH, Bishop of
 Church Patronage, 2R. 808, 835

PHIPPS, Mr. P., *Northampton*
 Education in Rural Districts, Res. 1083

PIM, Captain B., *Gravesend*
 Merchant Shipping Act—Certification to Foreigners, 993
 Navy—Engineer Officers, Pay of, 1694
 H.M. Ships, Cork Mattresses for, 1607
 Ships of the late Chief Constructor, 1805
 Passengers Act, 1865—Surgeons in Passenger Ships, 1604
 Uruguay—Monte Video, Atrocities in, 943

PLAYFAIR, Right Hon. Mr. Lyon, *Edinburgh and St. Andrew's Universities*
 Adulteration of Food and Drugs, 2R. 608, 615
 Army—Medical Service, 1801
 Artizans Dwellings, 2R. 378
 Bankers Act Amendment, 2R. Amendt. 1978
 Education Department—New Code, 1875, Motion for an Address, 1519

PLAYFAIR, Right Hon. Mr. Lyon—cont.
 Primary Education (Ireland) Commission (1870), Res. 1319
 University (Scotland) (Degrees to Women), 2R. 1142, 1156

PLIMSOLL, Mr. S., *Derby Bo.*
 Marine Insurance, Motion for an Address, 1757
 Merchant Shipping Acts Amendment, Leave, 130
 Merchant Shipping Acts—Shipping Disasters, 754
 Steamship "Thornaby," 1608

PLUNKET, Hon. D. R. (Solicitor General for Ireland), *Dublin University*
 Bankruptcy Law (Ireland), 1388
 Convention (Ireland) Act Repeal, 2R. 1959
 Mitchel, John—Tipperary Election, Res. 525;
 —Trial, Motion for Papers, 976

Police Magistrates, Metropolis (Salaries) Bill *(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross, Mr. William Henry Smith)*
 c. Considered in Committee Feb 23
 Resolution reported, and agreed to; Bill ordered; read 1st Feb 25 [Bill 75]
 Read 2^d, after short debate Mar 1, 1040
 Committee*; Report Mar 3
 Read 3rd Mar 4
 l. Read 1st *(The Earl Beauchamp)* Mar 5
 Read 2^d Mar 8, 1387 (No. 31)

Police Superannuation
 Question, Mr. Bolckow; Answer, Mr. Ascheton Cross Mar 1, 991

Pollution of Rivers Bill (Scotland)
 Question, Mr. Dalrymple; Answer, Mr. Ascheton Cross Mar 5, 1285

POOR LAW
Poor Law (Ireland)—System of Rating—Legislation, Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach Feb 11, 214
Lunatic Paupers (England)—Grants in Aid, Question, Captain Milne Home; Answer, The Chancellor of the Exchequer Mar 12, 1693
Removal of a Lunatic Pauper, Question, Dr. Lush; Answer, Mr. Selater-Booth Mar 8, 1389

Poor Law Guardians (Ireland) Bill
(Sir Colman O'Loghlen, The O'Conor Don, Mr. Callan)

c. Ordered; read 1st Feb 9 [Bill 48]

Poor Removal Bill
(Mr. Downing, Mr. French, Mr. Power, Mr. O'Shaughnessy)

c. Ordered; read 1st Feb 11 [Bill 59]

[cont.]

POST OFFICE

MISCELLANEOUS QUESTIONS

Dublin and London Mails—Loss of a Letter Bag, Question, Mr. Sullivan; Answer, Lord John Manners *Mar 1*, 990

Mails between London and Salisbury, Question, Mr. Ryder; Answer, Lord John Manners *Mar 15*, 1806

Mails between Scotland and Ireland, Question, Mr. Anderson; Answer, Lord John Manners *Feb 11*, 213

Mail Service via Stranraer and Larne, Question, Mr. Anderson; Answer, Lord John Manners *Feb 25*, 844

Mails to Montserrat, Question, Mr. Dixon; Answer, Lord John Manners *Feb 22*, 622

Night Mail Service to Basingstoke, &c., Question, Dr. Lush; Answer, Lord John Manners *Mar 9*, 1487

Peninsular and Oriental Steam Navigation Company's Contract, Questions, Mr. Eustace Smith, Mr. Goldney; Answer, Lord John Manners *Mar 1*, 988

Receiving Houses—Public Houses—Grocers, &c., Question, Mr. Walter James; Answer, Lord John Manners *Feb 22*, 621

Sorters and Savings Bank Clerks, Questions, Mr. Goldsmid; Answer, Lord John Manners *Feb 22*, 622

Telegraphic Service (Scotland), Question, Mr. Mark Stewart; Answer, Lord John Manners *Mar 4*, 1176

Telegraph Office at Ballinamore, Question, Dr. Brady; Answer, Lord John Manners *Feb 15*, 311

Telegraph Station on Lundy Island, Question, Mr. A. P. Vivian; Answer, Lord John Manners *Mar 9*, 1488

POWER, Mr. J. O'Connor, *Mayo*

Ireland—Irish State Prisoners, 1759

Political Prisoners, Release of, 942

Tyrone, Crown Solicitor for, 309

Parliament—Address in Answer to the Speech, 81

Sittings of the House, 309

Parliament—Privilege—Offensive Language referring to Irish Members, Res. 326

POWER, Mr. R., *Waterford*

Inland Revenue Act—Grain for Cattle (Ireland), 991

Peace Preservation (Ireland), Leave, 1033

POWIS, Earl of

Ecclesiastical Commissioners—26th Report, 1283

PRICE, Captain G. E., *Devonport*

Navy—H.M.S. "Albatross," 1799

Warrant Officers, 1628

Navy Estimates—Men and Boys, and Royal Marines, 1675

PRICE, Mr. W. E., *Tewkesbury*

Factory and Workshops Act—Canal Population, 753

Regimental Exchanges, 2R. 671

Seal Fishery, Close Time for—International Agreement, 1286

Prisoners on Remand Bill

(Mr. H. B. Sheridan, Mr. Locke, Mr. Gowerley, Mr. Macdonald)

c. Ordered; read 1^o *Mar 17* [Bill 99]

Public Health

Midwifery Practice—Case of Elizabeth Ingram, Question, Mr. James; Answer, Mr. Slater-Booth *Mar 5*, 1284

Unfit Houses, Question, Sir Lawrence Palk; Answer, Mr. Slater-Booth *Mar 4*, 1184

Public Health Bill

(Mr. Slater-Booth, Mr. Clare Read)

c. Motion for Leave (Mr. Slater-Booth) *Feb 11*, 229; after short debate, Motion agreed to; Bill ordered; read 1^o [Bill 55]

Public Health (Scotland) Provisional Order Confirmation (No. 1) Bill

(The Lord Advocate, Sir Henry Selwin-Ibbetson)

c. Ordered; read 1^o *Mar 11* [Bill 92]

Public Health (Scotland) Provisional Order Confirmation (No. 2) Bill

(The Lord Advocate, Sir Henry Selwin-Ibbetson)

c. Ordered; read 1^o *Mar 11* [Bill 93]

Public Works Loan Acts Amendment Bill

(Mr. Chancellor of the Exchequer, Mr. William Henry Smith)

c. Motion for Leave (The Chancellor of the Exchequer) *Feb 11*, 217; Motion agreed to; Bill ordered; read 1^o [Bill 53]

Public Works Loan Acts Consolidation Bill

(Mr. Chancellor of the Exchequer, Mr. William Henry Smith)

c. Motion for Leave (The Chancellor of the Exchequer) *Feb 11*, 217; after short debate, Motion agreed to; Bill ordered; read 1^o [Bill 54]

Public Worship Facilities Bill

(Mr. Salt, Mr. Cawley, Mr. Cowper-Temple, Mr. Norwood, Sir Henry Wolff)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o *Feb 8* [Bill 22]

Read 2^o, after short debate *Feb 15*, 397

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *Mar 3*, 1172

Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (Mr. Monk) v.; Question proposed, "That the words, &c.;" after short debate, Moved, "That the Debate be now adjourned" (Mr. Beresford Hope); Motion agreed to; Debate adjourned

Adjourned Debate resumed *Mar 9*, 1528; after short debate, Amendt. withdrawn

[cont.]

Public Worship Facilities Bill—cont.

Amendt. to leave out from "That," and add "the Order for Committee of the whole House be discharged, and that the Bill be referred to a Select Committee, with power to report upon the present facilities for providing additional means of worship in parishes, with or without the consent of the incumbent, and also upon the desirability of extending such facilities" (*Mr. J. G. Talbot*) v.; Question, "That the words, &c.," put, and negatived

Words added; main Question, as amended, put, and agreed to; Order for Committee discharged; Bill referred to a Select Committee

PULESTON, Mr. J. H. *Devonport*
National Debt Commissioners—Alleged Deficiency, 1486

RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), *Chester*
Army Estimates—Land Forces, 1467
Public Worship Facilities, Comm. 1529
Regimental Exchanges, Comm. 1820; *cl.* 2, 1840, 1902

Railways
Railway Passenger Accommodation, Observations, Lord Redesdale; Reply, The Duke of Richmond; short debate thereon Feb 22, 616

RAMSAY, Mr. J., *Falkirk, &c.*
Adulteration of Food and Drugs, 2R. 614
Hypothee (Scotland), 2R. 1584
Metropolis Valuation Act, 1869, 1346
Police and Lunacy Grants (Scotland), 625

RATHBONE, Mr. W., *Liverpool*
Artizans Dwellings, 2R. 349
Consolidation of the Statutes, Res. 1698, 1702
Merchant Shipping Acts Amendment, Leave, 135

RAYLEIGH, Lord
Parliament—Address in Answer to the Speech, 18

READ, Mr. Clare S., *Norfolk, S.*
Adulteration of Food and Drugs, 2R. 607
Hypothee (Scotland), 2R. 1571

REDESDALE, Lord (Chairman of Committees)
Agricultural Holdings (England), 1R. 1692
Increase of the Episcopate, 3R. 1876
Parliament—Address in Answer to the Speech, 30
Railways—Passenger Accommodation, 616, 619
Supreme Court of Judicature Act (1873) Amendment, 1R. 149, 153; 2R. 741, 743, 985; Comm. 1175

REED, Mr. E. J., *Pembroke, &c.*

Arctic Expedition, The, 394
Merchant Shipping Acts Amendment, Leave, 137
Navy—Launches, Religious Ceremony at, 393, 394
Wooden Ships of War, Sale of, 995
Navy Estimates—Arctic Expedition, 1354
Men and Boys, and Royal Marines, 1643, 1669

Regimental Exchanges Bill

(*Mr. Secretary Hardy, Mr. Stanley*)

c. Motion for Leave (*Mr. Gathorne Hardy*) Feb 8, 122; after short debate, Motion agreed to; Bill ordered; read 1^o [Bill 8]
Moved, "That the Bill be now read 2^o" Feb 22, 628

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Trevelyan*); after long debate, Moved, "That the debate be now adjourned" (*Sir Henry Havelock*); Motion withdrawn

Main Question put; A. 282, N. 185; M. 97; Bill read 2^o

Division List, A. and N., 714

The Regulations, Questions, General Sir George Balfour, Mr. O'Reilly; Answers, Mr. Gathorne Hardy Mar 1, 997

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Gathorne Hardy*) Mar 4, 1204

Amendt. to leave out from "That," and add "this House is of opinion that Regimental Exchanges may be properly allowed under official control; but that any legislation permitting a public officer to pay a sum of money by way of profit or bonus to another officer in respect of a bargain for the exchange of their offices would be injurious to the public service" (*Mr. Goschen*) v.; Question proposed, "That the words, &c.," after long debate, Question put; A. 232, N. 186; M. 96

Division List, A. and N. 1269

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee

On Question, "That the Preamble be postponed?" Moved, "That the Chairman do report Progress, and ask leave to sit again" (*The Marquess of Hartington*); Question put; A. 159, N. 267; M. 108

Moved, "That the Chairman do now leave the Chair" (*Mr. Macdonald*); after short debate, Motion withdrawn; Committee—*r.f.*

Question, Observations, The Marquess of Hartington; Reply, Mr. Disraeli Mar 5, 1288
Committee—*r.f.* Mar 15, 1808

Committee; Report Mar 16, 1889

Registry of Deeds Office (Ireland) Bill

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Sir Michael Hicks-Beach*)

c. Ordered * Feb 17
Read 1^o Feb 18 [Bill 70]
Read 2^o Feb 22, 717

Representation of the People Acts Amendment Bill

(*Sir Henry Wolff, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder*)

c. Ordered; read 1^o Feb 8 [Bill 29]

RICHMOND, Duke of (Lord President of the Council)

Agricultural Holdings (England), 1R. 1680, 1690, 1692

Church Patronage, 2R. 820

Increase of the Episcopate, Comm. 1473; *add. cl.* 1479; 3R. 1867, 1868, 1869, 1873, 1878

Metropolis Water Supply, 986

Owners of Land, &c. (England and Ireland)—Returns, 1602

Parliament—Address in Answer to the Speech, 30, 34

Easter Recess, 1593

Parliaments, Clerk of the, Res. 1594

Railways—Passenger Accommodation, 619

Scotland—County and Burghs Constabulary, 987

Established Church of, 988

Supreme Court of Judicature Act (1873) Amendment, 2R. 743; Report, Bill withdrawn, 1375, 1376, 1378

RITCHIE, Mr. C. T., *Tower Hamlets*

Artizans Dwellings, 2R. 344

Bank Holidays Act (1871) Extension and

Amendment, 2R. 795, 807

Epping Forest, Comm. 1679

Metropolis—Tower of London, 1603

RODWELL, Mr. B. B. H., *Cambridgeshire*

Bank Holidays Act (1871) Extension and Amendment, 2R. 806

Parliament—Private Bill Legislation, 1803

ROEBUCK, Mr. J. A., *Sheffield*

Parliament—Privilege—Dr. Kenealy, 1204

Universities (Scotland) (Degrees to Women), 2R. 1164

RONAYNE, Mr. J. P., *Cork City*

Marriage with a Deceased Wife's Sister, 2R. 480

Mitchel, John—Tipperary Election, Res. 534

Parliament—Address in Answer to the Speech, 90, 91

Peace Preservation (Ireland), Leave, 1036

ROSEBURY, Earl of

Theatres — Lord Chamberlain's Jurisdiction, 1280

RUSSELL, Lord A. J. E., *Tavistock*

Income Tax—Exemptions, Res. 1615

RUSSELL, Sir C., *Westminster*

Metropolis—St. James's Park—Footway, 1392
Regimental Exchanges, Comm. 1260, 1817; *cl.* 2, 1832, 1842

RYDER, Mr. G. R. D., *Salisbury*

India—Lucknow and Kirwee Booty, 1393

Post Office—Mails between London and Salisbury, 1806

ST. ALBANS, Duke of

Theatres — Lord Chamberlain's Jurisdiction, 1277

Sale of Coal, &c. Bill

(*Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir Henry Havelock, Mr. Hamond*)

c. Ordered; read 1^o Feb 8 [Bill 40]

Sale of Intoxicating Liquors on Sunday (Ireland) Bill

(*Mr. Richard Smyth, The O'Conor Don, Viscount Crichton, Mr. Dease, Mr. James Corry, Mr. William Johnston, Mr. Dickson, Mr. Redmond*)

c. Ordered; read 1^o Feb 8 [Bill 14]

SALISBURY, Marquess of (Secretary of State for India)

Increase of the Episcopate, 3R. 1871, 1872

SALT, Mr. T., *Stafford*

Adulteration of Food and Drugs, 2R. 610

Artizans Dwellings, 2R. 352

Friendly Societies, Leave, 120; 2R. 908, 1236

Public Worship Facilities, 2R. 397; Comm. 1173, 1531

SAMUDA, Mr. J. D'A., *Tower Hamlets*

Navy Estimates—Men and Boys, and Royal Marines, 1674

SANDFORD, Mr. G. M. W., *Maldon*

Adulteration of Food and Drugs, 2R. 599

Household Regiments, Commissions in—Return, 1413

Income Tax—Exemptions, Res. 1615

SANDON, Right Hon. Viscount (Vice President of Committee of Council on Education), *Liverpool*

Education Department—New Code, 1875, Motion for an Address, 1520

Education in Rural Districts, Res. 1108

Education (Scotland) Act, 1872—Loans for School Buildings, 840

Educational System—Compulsory Attendance, 942

Elementary Education Act—Loans to School Boards, 993

Medical Act, 1858 — Efficiency of Medical Practitioners, 1183

SOLATER-BOTH, Right Hon. G. (President of the Local Government Board), *Hampshire, N.*

Adulteration of Food and Drugs, 2R. 593, 614, 615, 1183

Canada, Dominion of—Emigration of Pauper Children, 1390

[cont.]

SOLATER-BOOTH, Right Hon. G.—cont.

Highways—Legislation, 160
Local Government—Gas and Water Works, 1487
Local Taxation—Collection of Rates, 1880
Metropolis Local Management Acts Amendment, 2R. 1956
Metropolitan Water Supply, 1348
Parliament—Private Bill Legislation, 1803
Parliamentary and Municipal Elections, 1802
Poor Law—Lunatic Pauper, Removal of, 1389
Public Health—Midwifery Practice—Eliza Ingram, Case of, 1284
Public Health, Leave, 229
Sanitary Acts—Impure Water (Metropolis), 624
Unfit Houses, 1184
Turnpike Trusts, Res. 955

SCOTLAND

County and Burghs Constabulary, Question, Observations, The Earl of Minto; Reply, The Duke of Richmond Mar 1, 987
Education (Scotland) Act, 1872—Loans for School Buildings, Question, Mr. Dalrymple; Answer, Viscount Sandon Feb 25, 840
Established Church of Scotland, Question, The Earl of Minto; Answer, The Duke of Richmond Mar 1, 988
Local Taxation—Police and Lunacy Grants, Question, Mr. Ramsay; Answer, The Chancellor of the Exchequer Feb 22, 625
Turnpike Trusts and Tolls, Question, Mr. James Barclay; Answer, Mr. Asheton Cross Feb 25, 843

SCOTT, Lord H. J. M. D., Hampshire, S.
Marriage with a Deceased Wife's Sister, 2R. 476
New Forest—Deer Removal Act (1851), Motion for a Committee, 1950

SCOURFIELD, Mr. J. H., Pembrokeshire, S.
Parliament—Address in Answer to the Speech, 84
Turnpike Trusts, Res. 953

Seal Fishery—Close Time—International Agreement
Question, Mr. W. E. Price; Answer, Sir Charles Adderley Mar 5, 1286

SELBORNE, Lord

Land Titles and Transfer, 2R. 744; Comm. 1044; Report, Amendt. 1776, 1793, 1798
Parliaments, Clerk of the, Res. 1594
Patents for Inventions, 2R. 932; Comm. cl. 48, 1601
Supreme Court of Judicature Act (1873) Amendment, 1R. 150, 153; 2R. 739; Report, Bill withdrawn, 1372, 1375, 1376

Select Vestries

1. Bill, *pro forma*, read 1^o Feb 5

SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), Essex, W.
Building Societies Act (1874) Amendment, 2R. 909
Marriage with a Deceased Wife's Sister, 2R. 479
Police Magistrates (Salaries), Res. 910
Wild Animals (Scotland), 2R. 444

SHAFTESBURY, Earl of
Chimney Sweepers Act—George Brewster, Case of, 391
Increase of the Episcopate, 2R. 728

SHAW, Mr. W., Cork Co.
Peace Preservation (Ireland), Leave, 1024

SHEIL, Mr. E., Athlone
National Schools (Ireland)—Schoolmasters, 161

Sheriff Courts (Scotland) Bill
(Mr. Anderson, Colonel Mure, Mr. M'Lagan)
c. Ordered; read 1^o Feb 8 [Bill 21]

SHERLOCK, Mr. Serjeant D., King's Co.
Peace Preservation (Ireland), Leave, 1032
Police Magistrates (Salaries), 2R. 1040

SHERIFF, Mr. A. C., Worcester City
Army—Diphtheria at Woolwich, 1694

Shipowners Liability Bill
(Captain Pim, Mr. Twells)
c. Ordered; read 1^o Mar 15 [Bill 97]

SHUTE, Major-General C. C., Brighton
Army Estimates—Land Forces, 1449
Regimental Exchanges, 2R. 668; Comm. cl. 2, 1826

SIMON, Mr. Serjeant J., Dowsbury
Corrupt Practices at Elections, Motion for a Committee, 1526
Friendly Societies, 2R. 909
Marriage with a Deceased Wife's Sister, 2R. 466, 469
Parliamentary Elections (Trial of Petitions), Motion for a Select Committee, 755, 772
Spain—Jenken, Mr. H. D., Case of, 1052
Sloop "Lark," Seizure of, 1806

SMITH, Mr. T. E., Tynemouth, &c.
India—Bengal Famine, 1176
Marine Insurance, Motion for an Address, 1756
Post Office—Peninsular and Oriental Steam Navigation Company's Contract, 988

SMITH, Mr. W. H. (Secretary to the Treasury), Westminster
Bank Holidays Act (1871) Extension and Amendment, 2R. 803
Consolidated Fund, 3R. 1928
Epping Forest, Comm. 1039; Amendt. *ib.*
Friendly Societies, 2R. 872

SMITH, Mr. W. H.—cont.

Libraries, Free, 1697
 Metropolis—Tower of London, 1603
 Metropolitan Board of Works—Liabilities, Annual Statement of, 1182
 New Forest—Deer Removal Act (1851), Motion for a Committee, 1951
 Patriotic Fund—Audit of Accounts, 310
 Registry of Deeds Office (Ireland), 2R. 717
 Statutes, Cheap Edition of the, 841
 Superannuation Act (1859) Amendment, 3R. 1532
 Supply—British Embassy Houses, &c. 1361
 Law Charges, 1363
 Stationery, &c. 1361, 1362

SMYTH, Mr. P. J., Westmeath Co.

Convention (Ireland) Act Repeal, 2R. 1957
 Mitchel, John—Tipperary New Writ, 751;—Trial, Motion for Papers, 980

SOLICITOR GENERAL, The (Sir J. HOLKER), Preston

Mitchel, John—Tipperary Election, Res. 510
 Stroud Writ, Res. 178; Motion for New Writ, 296

SOMERSET, Duke of

Criminal Law—Convict Prison at Gibraltar, 549
 Patents for Inventions, 1R. 266; 2R. 931; Comm. cl. 6, 1596

SOMERSET, Lord H. R. C. (Comptroller of the Household), Monmouthshire

Parliament—Queen's Speech—Her Majesty's Answer to the Address, 271

Spain

Case of *Mr. H. D. Jenken*, Question, Mr. Serjeant Simon; Answer, Mr. Bourke Mar 2, 1052

Recognition of the Existing Government, Question, Mr. O'Clery; Answer, Mr. Bourke Feb 15, 312

Recognition of the Government of Marshal Serrano and King Alfonso, Question, Observations, Earl Granville, Lord Stanley of Alderley; Reply, The Earl of Derby Mar 8, 1382

Seizure of the Sloop "*Lark*," Question, Mr. Serjeant Simon; Answer, Mr. Bourke Mar 15, 1806

SPEAKER, The (Right Hon. H. B. W. BRAND), Cambridgeshire

Education in Rural Districts, Res. 1120, 1121
 Irish State Prisoners, 1707
 Marine Insurance, Motion for an Address, 1727
 Mitchel, John, Case of, 421, 422;—Trial, Motion for Papers, 971, 973, 975

Parliament—Privilege—Offensive Language referring to Irish Members, Res. 325, 329, 1054

Rules and Orders, &c. 486, 489;—Dr. Kenealy, 1187, 1189, 1199

STACPOOLE, Captain W., Ennis

Ireland—Constabulary, 838
 Irish State Prisoners, 1760

STANHOPE, Hon. E., Lincolnshire, Mid.

Education in Rural Districts, Res. 1082, 1094
 Parliament—Address in Answer to the Speech, 37
 Statutes, Cheap Edition of the, 841

STANLEY OF ALDERLEY, Lord

Church Patronage, 2R. 831
 Pacific Islanders Protection, 2R. 1859
 Spain—Government, Recognition of, 1384

STANLEY, Hon. Captain F. A. (Financial Secretary for War) Lancashire, N.

Regimental Exchanges, 2R. 682; Comm. cl. 2, 1847
 Supply—Civil Contingencies Fund, 1367

STANSFELD, Right Hon. J., Halifax

Artizans Dwellings, 2R. 335
 Friendly Societies, 2R. 883
 Universities (Scotland) (Degrees to Women), 2R. 1160

STANTON, Mr. A. J., Stroud

Stroud Writ, Motion for New Writ, 299

Statute Law—Consolidation of the Statutes

Amendt. on Committee of Supply Mar 12, To leave out from "That," and add "it is expedient that when any new Act is passed amending or incorporating any former Acts (other than General Clauses Acts) the new Act and the former Acts should be reprinted for the House so soon as may be, in such form as to show what parts of the said Acts respectively are in force" (*Mr. Rathbone*) v., 1698; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Cheap Editions of the Statutes, Question, Mr. Edward Stanhope; Answer, Mr. W. H. Smith Feb 25, 841

Statute Law—Drafting and Revision of Acts of Parliament

Amendt. on Committee of Supply Feb 19, To leave out from "That," and add "a Select Committee be appointed, to be assisted by a legal officer, to whom all Public Bills passing through this House shall be referred after they have been read a second time, and again after they have been reported, with amendments, from a Committee of the whole House, and whose duty it shall be to report to the House upon each Bill as to its accuracy of language, consistency of provisions, and harmony with existing legislation" (*Mr. Forsyth*) v., 568; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Statute Law—Preparation of Acts of Parliament

Select Committee appointed, "to consider whether any and what means can be adopted to improve the manner and language of current Legislation; and to report their opinion thereon to the House" (*Mr. Attorney General*) Mar 4; List of the Committee, 1276

STEVENSON, Mr. J. C., *South Shields*

Bank Holidays Act (1871) Extension and Amendment, 2R. 802
 Durham Capital Estates (Customary Tenants), Motion for a Committee, 1504
 Education Department—New Code, 1875, Motion for an Address, 1517

STEWART, Mr. M. J., *Wigton Bo.*

Hypothee (Scotland), 2R. 1580
 Post Office—Telegraphic Service (Scotland), 1176
 Universities (Scotland) (Degrees to Women), 2R. 1152

STORER, Mr. G., *Nottinghamshire, S.*

Education Department—New Code, 1875, Motion for an Address, 1517
 Peace Preservation (Ireland), Leave, 1035
 Turnpike Trusts, Res. 959
 Wild Animals (Scotland), 2R. 449

STRATHEDEN, Lord

Turkey—Servia and Roumania, Commercial Treaties with, 305, 836

SULLIVAN, Mr. A. M., *Louth Co.*

Convention (Ireland) Act Repeal, 2R. 1960
 East India Home Government (Pensions), 3R. Motion for Adjournment, 1855
 Education in Rural Districts, Res. 1122
 Ireland—Convict Service—Mountjoy Female Prison, 216, 217
 Irish Manuscripts, Translation of, 837
 Oyster Beds on the Irish Coasts, 1484
 Ireland—Imperial Taxation, Incidence of, Res. 1718
 Ireland—Mountjoy Female Prison, Motion for Papers, 914
 Mitchel, John, Case of, 417, 422;—Trial, Motion for Papers, 973, 979, 1275, 1800, 1801
 Parliament—Privilege—Offensive Language referring to Irish Members, 269, 270; Res. 313, 325, 333, 334
 Post Office—Dublin and London Mails, 990
 Supply—County Prisons and Reformatories (Ireland), 1364
 Local Government Board (Ireland), 1362
 Queen's University in Ireland, Amendt. 1364
 Stationery, &c. 1362
 Survey and Valuation of Ireland, 1363

Superannuation Act (1859) Amendment Bill (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Considered in Committee Feb 12
 Resolution reported, and agreed to; Bill ordered; read 1st Feb 15 [Bill 64]
 Read 2nd Feb 22
 Committee^o; Report Feb 26
 Read 3rd Mar 9, 1532

SUPPLY

Resolved, That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Supply to be granted to Her Majesty Feb 8

SUPPLY—cont.

Considered in Committee Mar 5, 1349—NAVY—SUPPLEMENTARY ESTIMATES, 1874-5, AND EXCESS ESTIMATES, 1873-4—THE ARCTIC EXPEDITION—Resolutions reported Mar 8
 Considered in Committee Mar 8, 1413—ARMY ESTIMATES—Departmental Statement of the Secretary of State for War in moving the Army Estimates—Resolutions reported Mar 9
 Considered in Committee Mar 11, 1634—NAVY ESTIMATES—Departmental Statement of the First Lord of the Admiralty in moving the Navy Estimates—Resolutions reported Mar 12

Supreme Court of Judicature Act (1873) Amendment Bill [H.L.]

(*The Lord Chancellor*)

l. Observations, The Lord Chancellor Feb 5, 35
 Presented; read 1st, after short debate Feb 8, 147 (No. 10)
 Read 2nd, after short debate Feb 23, 737
The Appellate Jurisdiction of the House of Lords, Notice of Amendments, Lord Redesdale, Lord Penzance Mar 1, 985
 Committee, after short debate Mar 4, 1174
The Court of Ultimate Appeal, Notice of Motion, Mr. Spencer Walpole Mar 5, 1284; Question, Mr. Osborne Morgan; Answer, Mr. Spencer Walpole Mar 11, 1603
 Report Mar 8, 1871; after short debate, Order discharged; Bill withdrawn (No. 29)

TALBOT, Mr. J. G., *Kent, W.*

Education Department—New Code, 1875, Motion for an Address, 1515
 Education in Rural Districts, Res. 1072, 1121
 Public Worship Facilities, Comm. 1529; Amendt. 1531

TAYLOR, Mr. P. A., *Leicester Bo.*

Army—Reduction of the Land Forces, Res. 1409
 Criminal Law—Stalybridge, Sentence on a Child at, 1046
 Master and Servant Act—Luke Hills, Case of, 1485, 1610, 1611
 Mutiny, 2R. 1593
 Parliament—Sittings of the House, 1888
 Sanitary Acts—Impure Water, Metropolis, 624

TEMPLE, Right Hon. W. F. COWPER-, *Hants, S.*

Epping Forest, Comm. 1039
 New Forest—Deer Removal Act (1851), Motion for a Committee, 1951
 Universities (Scotland) (Degrees to Women), 2R. 1123, 1169

TENNANT, Mr. R., *Leeds*

Factory Acts Consolidation, 485

Tipperary Election

John Mitchel

Moved, "That there be laid before this House, Copy of the Certificate by the Clerk of the Crown for the County of Dublin, of the Conviction and of the Judgment in the case

Tipperary Election—cont.

of the Queen against John Mitchel, tried at a Court of Oyer and Terminer and Gaol Delivery held at Dublin on the 26th day of May 1848 :

"Extract from the Government Gazette, published by authority, at Hobart Town on the 14th day of June 1853, containing an official notification of the escape of John Mitchel, and offering a reward for his apprehension :

"And, Copy of any Despatches from the Lieutenant Governor of Van Diemen's Land, relative to the Ticket of Leave granted to the said John Mitchel, and to his escape from the Colony" (*Mr. Hart Dyke*) Feb 16, 415; after short debate, Question put; A. 174, N. 13; M. 161

Moved, "That the Papers be taken into consideration on Thursday next" (*Mr. Hart Dyke*)

Moved, "That in addition to the Papers ordered, there also be furnished Papers showing the composition of the jury on the occasion of Mr. Mitchel's trial, the names of the jurors, and the proceedings in the Courts of Law with reference to the selection and striking of the jury" (*Mr. John Martin*), 421 [the Motion was not seconded]; original Motion put, and agreed to

New Writ Ordered

Moved, "That John Mitchel, returned as Member for the County of Tipperary, having been adjudged guilty of felony, and sentenced to transportation for fourteen years, and not having endured the punishment to which he was adjudged for such felony, or received a pardon under the Great Seal, has become, and continues, incapable of being elected or returned as a Member of this House" (*Mr. Disraeli*) Feb 18, 493

After debate, Moved, "That the debate be now adjourned" (*Mr. O'Shaughnessy*); after long debate, Question put; A. 102, N. 269; M. 167

Division List, A. and N. 536

Original Question again proposed; Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the return of John Mitchel for the County Tipperary, and to search for precedents, and report thereupon to the House" (*The Marquess of Hartington*) v.; Question, "That the words, &c.," put, and agreed to; main Question put, and agreed to

Question, Mr. P. J. Smyth; Answer, The Attorney General Feb 23, 751

John Mitchel—His Trial and Conviction in 1848

Amendt. on Committee of Supply Feb 26, To leave out from "That," and add "there be laid before this House, a Copy of the List of Jurors, and of the panel selected therefrom, and of the Jury which tried John Mitchel" (*Mr. John Martin*) v., 964; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

*Tipperary Election—cont.**John Mitchel*

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the following Documents :

"1. The Warrant or Order under which Mr. Mitchel was sent from Bermuda to the Cape of Good Hope ;

"2. The Despatches from or to the Governor of that Colony in respect of that Colony refusing permission to the Government to land convicts there ;

"3. The Warrant or Order under which Mr. Mitchel was sent to Van Diemen's Land ; and,

"4. The Warrant or Order under which he was held in custody there" (*Mr. Meldon*) Mar 4, 1273; after short debate, Question put; A. 46, N. 171; M. 125

Questions, Mr. Sullivan; Answers, The Attorney General Mar 15, 1800

Tonnage Admeasurement Bill

(*Captain Pim, Mr. Ritchie*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o Mar 16 [Bill 98]

TORR, Mr. J., Liverpool

Bank Holidays Act (1871) Extension and Amendment, 2R. 806

Training Schools and Ships Bill

(*Captain Pim, Mr. Coope*)

c. Ordered; read 1^o Mar 9 [Bill 89]

TREMAYNE, Mr. J., Cornwall, E.

Elementary Education Act—Loans to School Boards, 993

TREVELYAN, Mr. G. O., Hawick, &c.

Regimental Exchanges, Leave, 123; 2R. Amendt. 640, 697; Comm. 1244; cl. 2, Amendt. 1827; Amendt. 1889

Tribunals of Commerce Bill

(*Mr. Whitwell, Mr. Sampson Lloyd, Mr. Ripley*)

c. Ordered; read 1^o Feb 9 [Bill 42]

Turkey—Commercial Treaties with Servia and Roumania

Question, Observations, Lord Stratheden; Reply, The Earl of Derby Feb 15, 305; Feb 25, 836; Question, Lord Carlingford; Answer, The Earl of Derby Mar 9, 1482

Turnpike Acts Continuance

Select Committee appointed; List of the Committee Feb 23, 790

Turnpike Trusts

Amendt. on Committee of Supply *Feb 26*, To leave out from "That," and add "it is expedient that legislation should take place, without further delay, dealing in a comprehensive manner with the future maintenance of roads" (*Sir George Jenkinson*) v., 944; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

United States

Philadelphia International Exhibition, Question, Mr. Neville-Grenville; Answer, The Chancellor of the Exchequer *Mar 4*, 1180

Universities (Scotland) (Degrees to Women) Bill

(*Mr. Couper-Temple*, *Mr. Russell Gurney*, *Mr. Orr Ewing*, *Dr. Cameron*)

c. Ordered; read 1^o *Feb 8* [Bill 6]
Moved, "That the Bill be now read 2^o" *Mar 3*, 1123

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Mailland*); after long debate, Question put, "That 'now,' &c.;" A. 151, N. 194; M. 43

Words added; main Question, as amended, put, and agreed to; 2R. put off
Division List, A. and N. 1169

Uruguay—Atrocities in Monte Video

Question, Captain Pim; Answer, Mr. Bourke *Feb 26*, 943

VIVIAN, Lord

Increase of the Episcopate, Comm. add. cl. 1479

VIVIAN, Mr. A. P., Cornwall, W.

Post Office Telegraphs—Lundy Island, Station on, 1488

WADDY, Mr. S. D., Barnstaple

Artizans Dwellings, Leave, 112; 2R. 345
Common Law Procedure Act (1852) Amendment, 2R. 415

WAIT, Mr. W. K., Gloucester

Arctic Expedition—Sub-Lieutenant Franklin, 623

India—Margary, Mr., Massore of, at Manwine, 1878

Parliament—Sittings of the House, 1888

Wales—Administration of Justice

Amendt. on Committee of Supply *Mar 8*, To leave out from "That," and add "a Select Committee be appointed to inquire into the administration of justice in those portions of the Principality of Wales where the Welsh language prevails, and to consider the expediency of appointing official interpreters to attend the Courts there" (*Mr. Morgan Lloyd*) v., 1394; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

WALPOLE, Right Hon. Spencer H., Cambridge University

Stroud Writ, Motion for New Writ, 293
Supreme Court of Judicature Act (1873), 1284, 1604

WALSH, Hon. A., Radnorshire

Criminal Law—Jewel Robberies, 1287
Education in Rural Districts, Res. Motion for Adjournment, 1119
Waste Lands, Inclosure of, 1176

Waste Lands, Inclosure of—Legislation

Question, Mr. Walsh; Answer, Mr. Assheton
Cross *Mar 4*, 1176

WATERLOW, Sir S. H., Maidstone

Artizans Dwellings, Leave, 111; 2R. 340

WAVENEY, Lord

Supreme Court of Judicature Act (1873) Amendment, 2R. 742; Report, Bill withdrawn, 1379

WAYS AND MEANS

MISCELLANEOUS QUESTIONS

Collection of the Income and Property Tax, Question, Mr. Muntz; Answer, The Chancellor of the Exchequer *Mar 2*, 1048

Income Tax—Exemptions, Amendt. on Committee of Supply *Mar 11*, To leave out from "That," and add "in the opinion of this House, incomes not exceeding £300 per annum should be exempted from the payment of Income Tax" (*Mr. Sandford*) v., 1615; after short debate, Question put, "That the words, &c.;" A. 213, N. 77; M. 136

Inland Revenue Act—Grain for Cattle (Ireland), Question, Mr. Richard Power; Answer, The Chancellor of the Exchequer *Mar 1*, 991

Inland Revenue—Adulteration of Irish Whiskey, Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer *Mar 2*, 1048

Local Taxation—Police and Lunacy Grants (Scotland), Question, Mr. Ramsay; Answer, The Chancellor of the Exchequer *Feb 22*, 625

WAYS AND MEANS

Resolved, "That this House will, upon Wednesday next, resolve itself into a Committee to consider of the Ways and Means for raising the Supply to be granted to Her Majesty *Feb 8*

Considered in Committee; Resolution agreed to *Mar 9*, 1533; Reported *Mar 10*

Considered in Committee; Consolidated Fund £2,139 7s. 7d.—£7,000,000; Resolutions agreed to *Mar 11*, 1679

Bill ordered; read 1^o *Mar 12*

[See titles *Consolidated Fund Bill*]

